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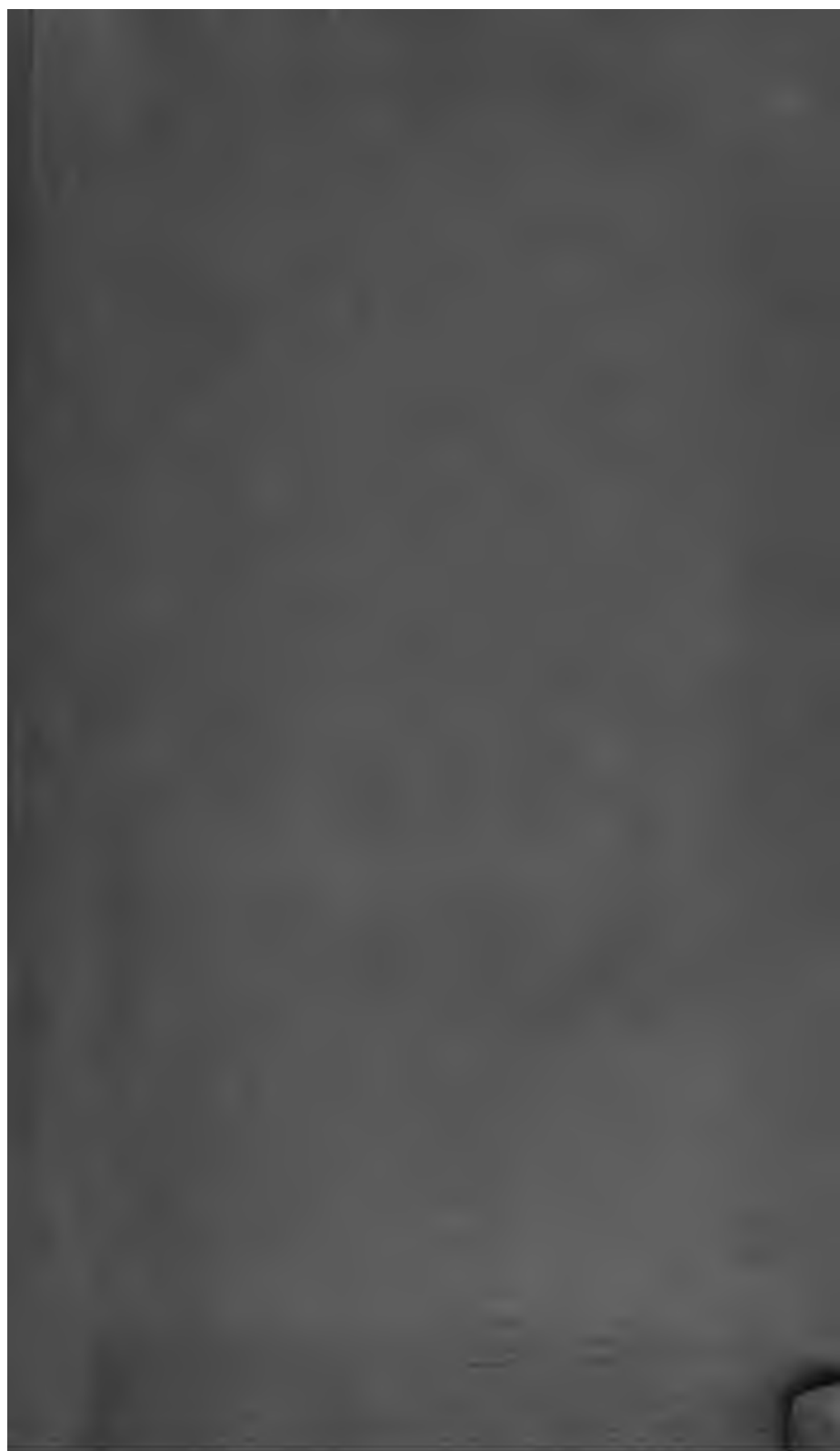
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James Chrystal

~~\*Estate of Rev James Chrystal\*~~

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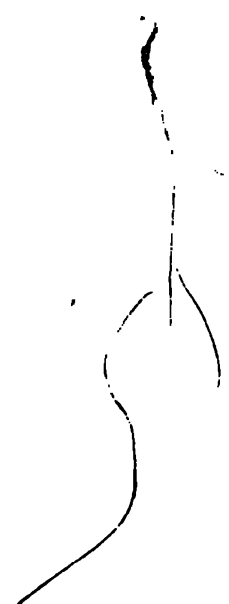
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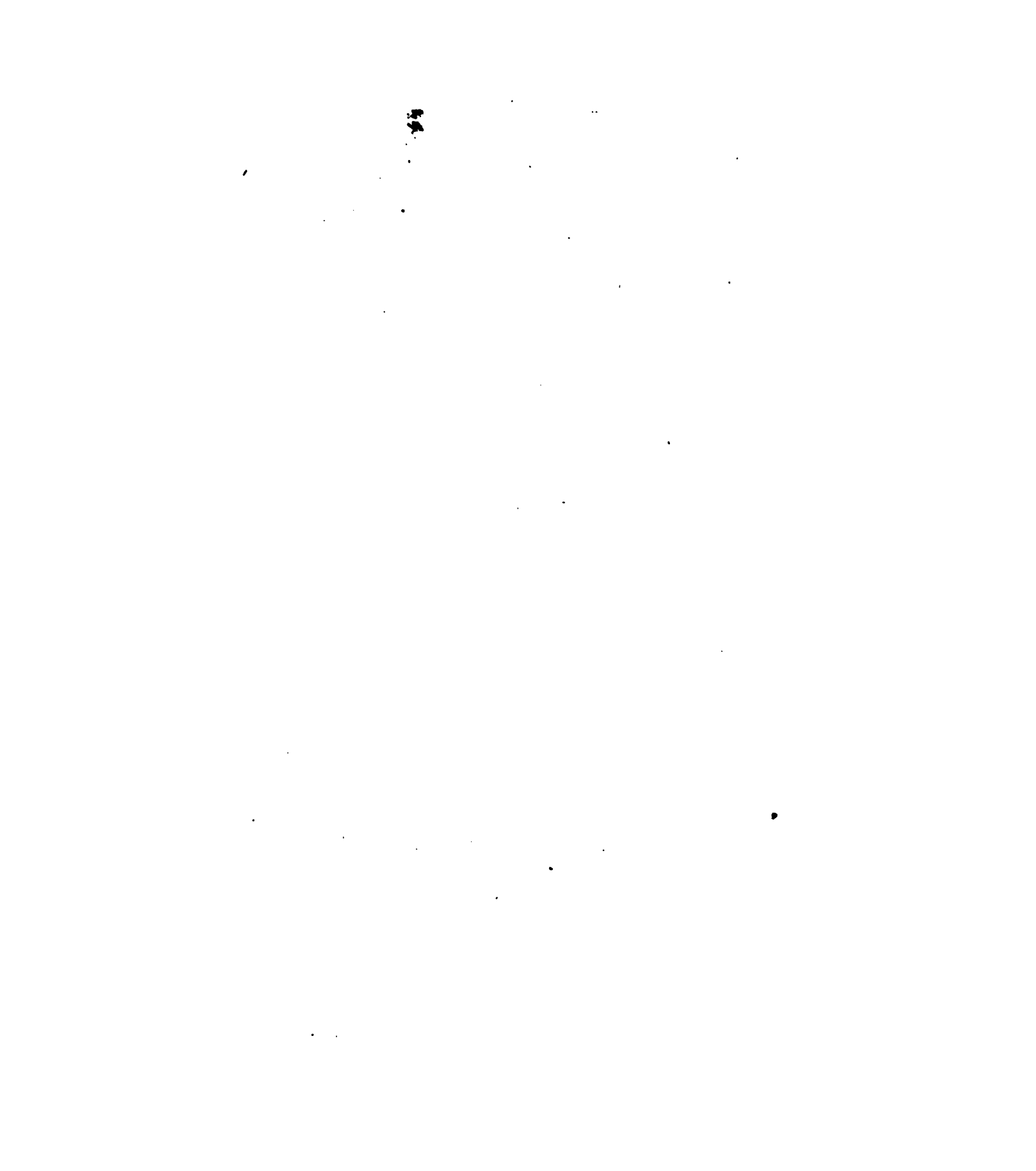
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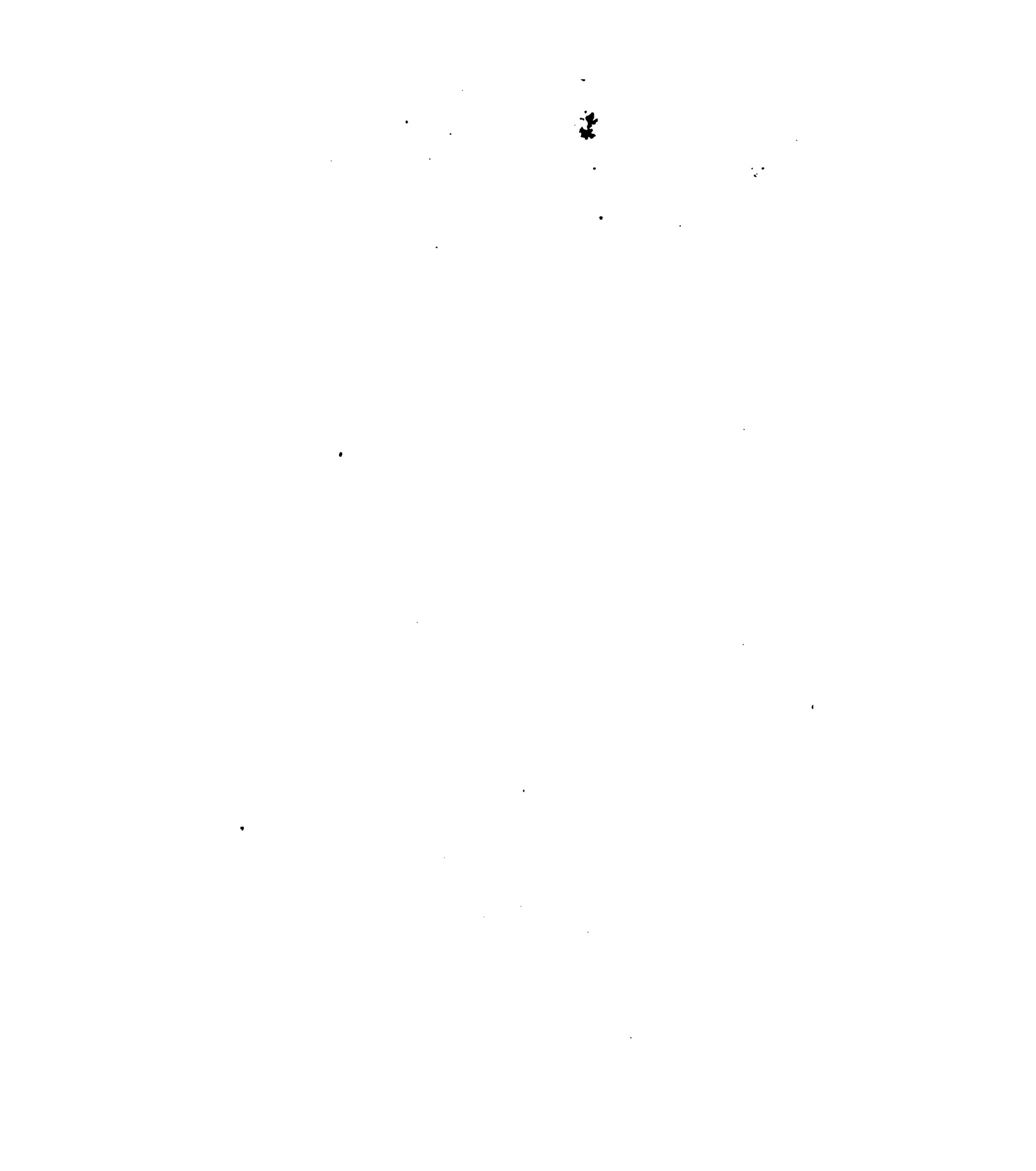
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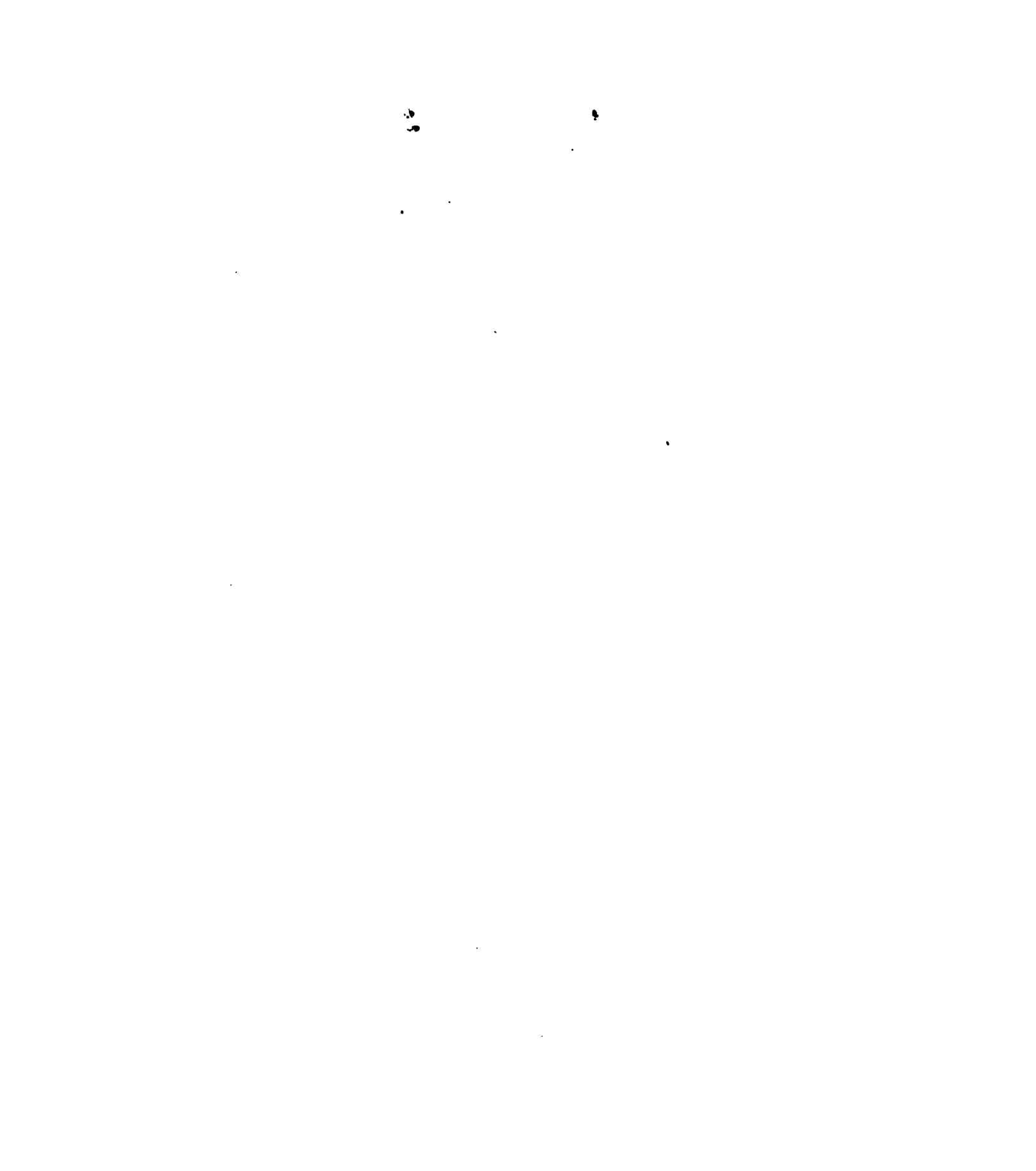


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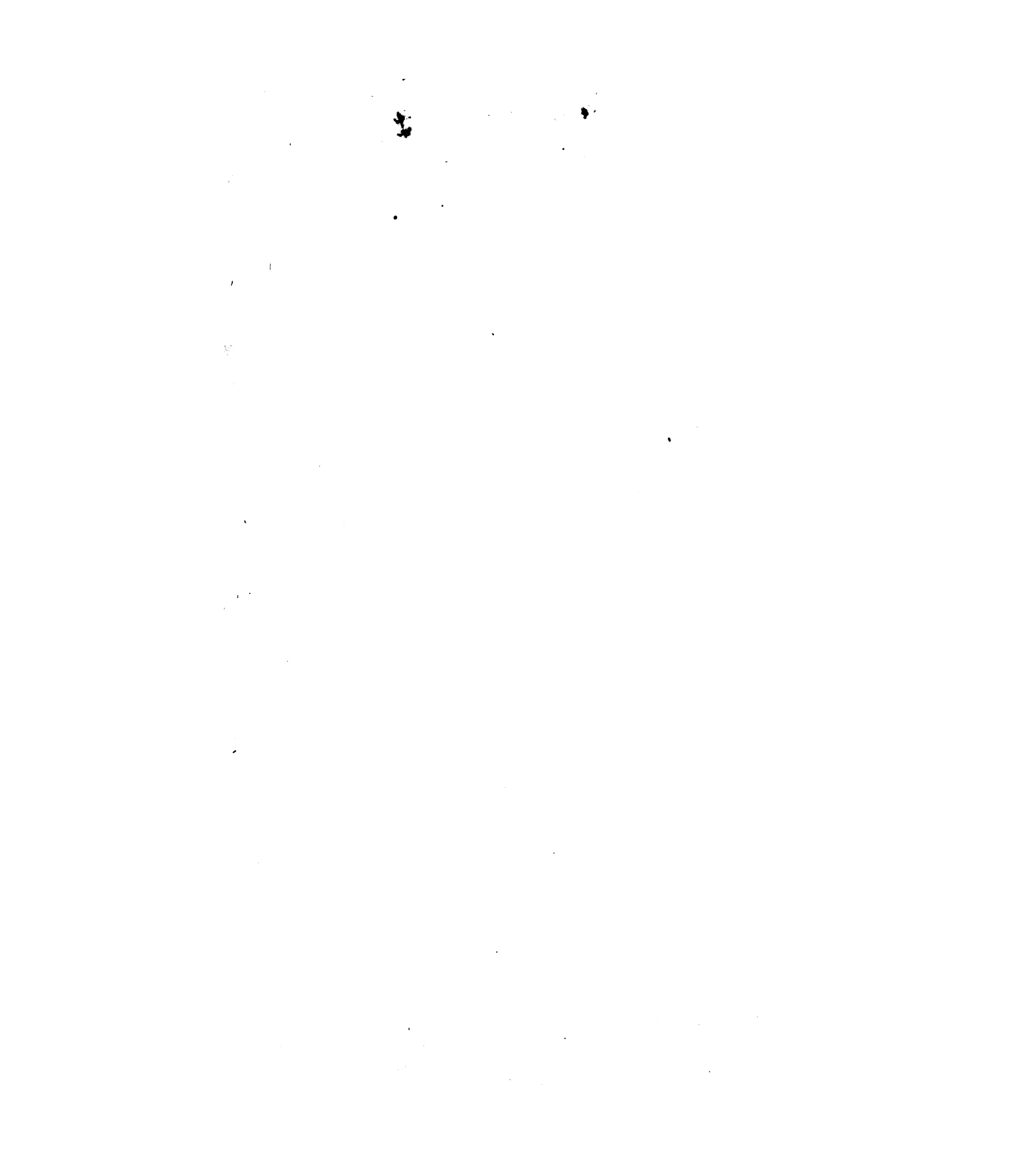


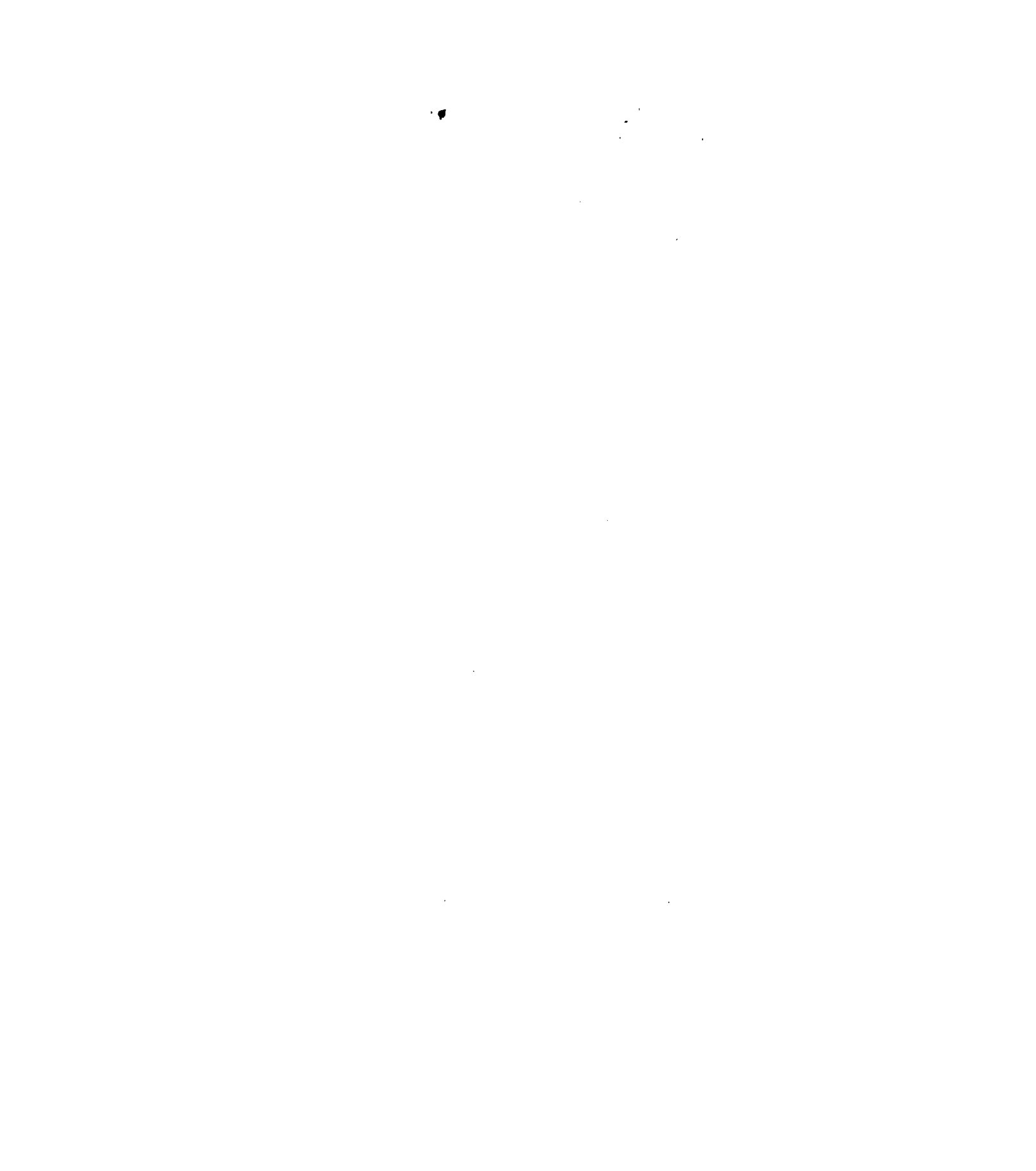


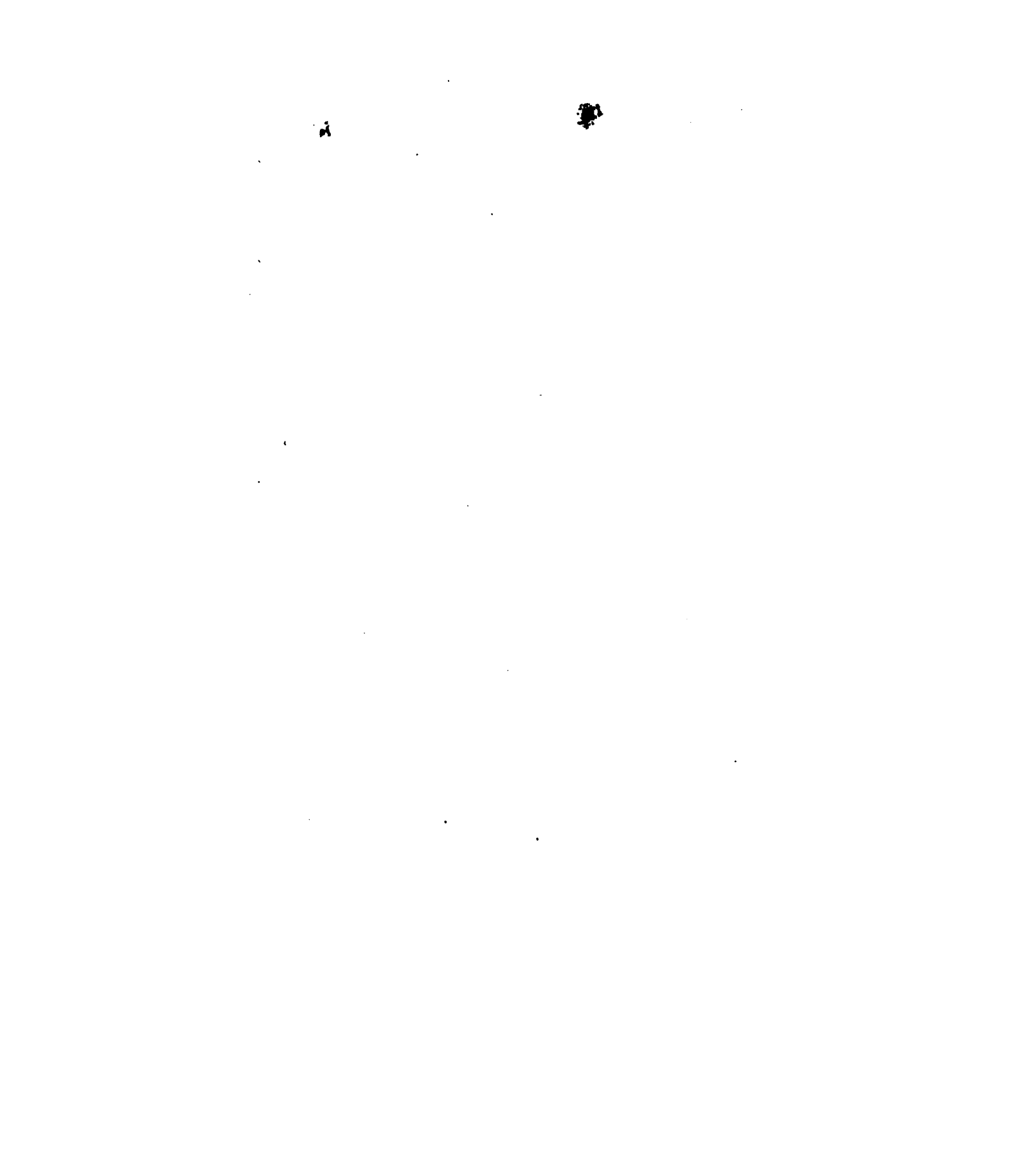


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A TEXT-BOOK  
OF  
CHURCH HISTORY.

BY DR. JOHN C. L. GIESELER.

Translated from the Second Revised German Edition,

BY REV. JOHN W. HULL, M.A.

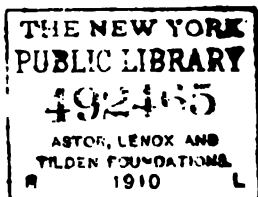
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BY HENRY B. SMITH,  
PROFESSOR IN THE UNION THEOLOGICAL SEMINARY, NEW YORK.

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# CHURCH HISTORY.

## THIRD PERIOD.

### FOURTH DIVISION.

FROM THE REMOVAL OF THE PAPAL SEE TO FRANCE, TO THE COUNCIL OF PISA. FROM 1305-1409.

#### PRINCIPAL SOURCES.

Albertinus Mussatus, Poet Laureate and Statesman in Padua († 1380): *Historia Augusta s. de gestis Henrici VII.* libb. xvi. *De gestis Italicorum post mortem Henrici VII.*, libb. xii., down to 1329. Ludovicus Bavarus, from 1327 to 1329, together in Muratori *Rerum Ital. Scriptt.* t. x. Ludov. Bavarus best in Bohmer's *Fontes Rerum Germ.* i. 170.—Giovanni Villani, Statesman in Florence: *Historie Fiorentine*, libb. xii., down to 1348 in Muratori, t. xiii., continued in xi. libb. by his brother, Matteo Villani, down to 1363, and from lib. xi. c. 61 by his son, Filippo Villani, down to 1364 in Muratori, t. xiv. (On this historical work, see Gervinus *hist. Schriften*, Frankf. a. M., 1833 a. 24. *Döniges Kritik d. Quellen f. d. Gesch. Heinrich's VII.*, Berlin, 1841, s. 107.)—Joannes de Winterthur, or Vitoduranus, a Franciscan (Chronicon from Innocent III., down to 1348, in Eccardus *Corp. Scriptorum Med. Aevi*, t. i., better in the *Thesaurus Historiae Helveticae*, Tiguri 1735. fol. p. 1 ss.).—M. Albertus Argentinensis (Chronicon from 1273 to 1378 in Urstisi *German. historicorum*, ii. 95).—Fritsche (*i. e.* Friedrich) Closener's (Canon at Strasburg, † 1384) *Strassburgische Chronik*, down to 1362 (in the *Bibliothek d. literar. Vereins in Stuttgart*, i. 1845), is taken for his ground-work by Jacob Twinger v. Königshoven (Priest at Strasburg, † 1420), in his *Elsassische Chronik*, which, edited by him in a longer form down to 1414, in a shorter down to 1386, has been published in the latter shape by Joh. Schilter, Strasburg, 1698. 4. Cf. Jac. Twingerum *Regio villanum solemnium eruditorum examini subjicit*, S. F. Hollaender, Argent. 1789. 4.—Detmar, Franciscan lecturer at Lübeck, wrote from 1385 to 1395 his *Chronicle* from 1101 to 1395 (with a continuation to 1482, published by F. H. Grautoff: *die Lübeckischen Chroniken in niederdeutscher Sprache*, 2 Th. Hamburg, 1829-30).—Gobelinus Persona (dean in Bielefeld, † about 1424, see *Life* by Rosenkranz, in Erhard's and Gehrken's *Zeitschr. f. vaterland. Gesch. u. Alterthumskunde*, Bd. 6, Münster, 1843, s. 1) *Cosmodromium* down to 1418, divided into 6 *aetates*, from Aet. vi. c. 69, or from the year 1347 onward, independent and peculiar; published in H. Meibomii *rerum Germanicarum*, i. 58.

#### FIRST CHAPTER.

##### HISTORY OF THE PAPAL SEE.

*Sources*: The ancient *Lives of the Popes*; *Vitae Papatum Avenionensium* ed. St. Bazilius. Tomi ii. Paris, 1698. 4. The *Lives of all the Popes of this age* scattered

through Muratori Scriptt. Rer. Ital. t. iii. p. i and ii. *Besides*: Theodorici de Niem (literarum apostolicarum abbreviatoris) Vitae Pontiff. Rom. (from 1238–1418) additis Imperatorum gestis (in Eccardi Corpus Hist. Medii Aevi, i. 1461). Cf. Jaffé Regesta Pontificum, etc.

- Histoire Politique de la Monarchie Pontificale au xiv. Siècle, ou la Papauté à Avignon, par l'Abbé J. F. André, Paris, 1845. [Histoire de la Papauté au xiv. siècle. Abbé Christophe, 8. 8. Paris, 1852.]

I. HISTORY OF THE POLITICAL RELATIONS OF THE PAPAL SEE IN AVIGNON UNTIL THE SCHISM.

1305–1378.

§ 98.

CLEMENT V. (5TH JUNE, 1305–20TH APRIL, 1314.)

Clement V., by remaining in France, and by fixing his see at Avignon from the year 1309, introduced a dilemma into the political position of the Papacy, which could not but be very prejudicial to its authority among the faithful. In their dealings with other states, the French pontiffs from their safe retreat promulgated, with increasing arrogance, the principles of a universal Papal monarchy; in France, on the contrary, they not only had to see these principles continually set aside, but, in their whole sphere of operations, they were so dependent upon the nod of the French court that they never ventured, except by stealth, to act against its policy.

Clement V.<sup>1</sup> was not only obliged to revoke in form the pretensions of his predecessor, Boniface VIII., against France (1306),<sup>2</sup> but

<sup>1</sup> Giov. Villani hist. Fiorent. viii. c. 80 (in Muratori, xiii. 418), puts the following conditions in the mouth of King Philip, as those which he made with Clement, when he helped him to mount the Papal throne: *Le sei spetiali gratie, ch'io voglio da te, sono queste. La prima, che tu mi riconcilli perfettamente colla Chiesa, e facciammi perdonare il misfatto, ch'io commisi per la presura di Papa Bonifatio. La seconda di ricomunicare me, e miei seguaci. La terza, che mi concede tutte le decime per 5 anni del mio Reame, per ajuto alle spese fatte alla guerra di Fiandra. La quarta, che tu mi prometti di disfare e annullare la memoria di Papa Bonifatio. La quinta, che tu renda l'honore del Cardinalato a Messier Jacopo, e Messer Piero della Colonna (comp. Div. 2, § 59, note 14) e rimetteralli in stato, e facci con loro insieme certi miei amici Cardinali. La sesta gratia e promessa mi riserbo a luogo e a tempo, ch'è secreta e grande. Clement had promised all, per sacramento in sul Corpus Domini. It is as certain that Philip did impose conditions on the Pope, as that this detailed dramatical account of Villani can not be verbally correct: see Donniges Kritik d. Quellen f. d. Gesch. Heinrichs VII. s. 125. Schlosser's Weltgesch. IV. i. 24.*

<sup>2</sup> Clementin. lib. iii. tit. 17: *Quoniam ex constitutione Bonifacii P. VIII. praedecessoris nostri, quae incipit Clericis laicos, et ex declaratione, seu declarationibus (see Div. 2, § 59, note 6 and 9) ex illa postmodum subsequitis nonnulla scandala, magna pericula, et incommoda gravia sunt sequuta, et ampliora sequi, nisi celeri remedio succurra-*

also to allow proceedings to be instituted against him, which wounded the Papal dignity to the quick.<sup>3</sup> Thereupon Philip the Fair began the persecution of the Templars in a highly arbitrary manner (13th Oct. 1307): Clement pardoned the past, and sided with the persecutor.<sup>4</sup> The Pope ventured to oppose nothing but

tur, praesumitur verisimiliter in futurum: nos de consilio fratrum nostrorum constitutionem, et declarationem, seu declarationes praedictas, et quicquid ex eis sequutum est vel ob eas, penitus revocamus, et eas haberi volumus pro infectis, volentes et firmiter statuentes, illud contra quoscumque laicos, exigentes seu extorquentes ab Ecclesiis ecclesiasticisque personis tallias seu collectas,—inviolabiliter observari, quod super his a praedecessoribus nostris in Lateranensi, et generali conciliis (see Div. 2, § 68, note 15 and 16)—salubriter est provisum. Extravagant. commun. lib. v. lit. 7, c. 2: Meruit carissimi filii nostri Philippi, Regis Francorum illustris, sinceræ adfectionis ad nos et Ecclesiam Romanam integritas, et progenitorum suorum praeclara merita meruerunt, meruit insuper regnicolarum puritas ac devotionis sinceritas, ut tam Regem quam regnum favore benevolo prosequamur. Hinc est, quod nos Regi et regno per definitionem et declarationem bonae memoriae Bonifacii P. VIII. praedecessoris nostri, quae incipit *Unam sanctam* (Div. 2, § 59, note 26), nullum volumus vel intendimus praedictum generari. Nec quod per illam Rex, regnum, et regnicolae praelibati amplius Ecclesiae sint subjecti Romanae, quam antea existebant: sed omnia intelligantur in eodem esse statu, quo erant ante definitionem praefatam, tam quantum ad Ecclesiam, quam etiam ad Regem, regnum et regnicolas superius nominatos. According to the contemporary Bernard Guido (Quarta Vita Clementis V. in Baluzii Vitae PP. Aven. i. 64), both Bulls date from the 1st February, 1306. The Bull *Unam sanctam* was not at any rate hereby repealed; it even at this time was furnished with a *gloss* by Johannes Monachus, in which all its claims were defended, demonstrated, and commented on. Comp. also Alvarus Pelagius, De Planctu Eocl. i. c. 60, below, § 99, note 15.

<sup>3</sup> Comp. Div. 2, § 59, note 89. According to Villani, viii. c. 91, at an interview with the Pope in Poitiers, 1307, Philip pressed him hard to fulfill his promise, *ch'elli condannasse la memoria di Papa Bonifatio, e facesse ardere le sue ossa e corpo*: the Pope escaped by means of a subterfuge; he engaged to summon a general council at Vienne for the execution of this difficult undertaking. However, in 1309, he was forced to open a formal inquiry with regard to Boniface, in which Nogaret and Du Plessis came forward as accusers (Raynald. 1309, note 4). The Acts of the inquiry are in Du Puy, Hist. du Differend entre le Pape Boniface VIII. et Philippe le bel, Paris, 1655, fol. p. 325. The evidence of several Cardinals before a Papal Commission, 14th April, 1311, and following days, is published by Hoffer in the Abhandl. d. hist. Classe d. bayerischen Akad. d. Wiss. Bd. 3, Abth. 3 (1843), s. 45.

<sup>4</sup> Comp. P. Dupuy, Hist. de la Condemnation des Templiers, Paris, 1650. 4., with many additions, Bruxelles, 1751. 4. Raynouard, Monumens Histor. relatifs à la Condemnation des Chevaliers du Temple et à l'Abolition de leur Ordre. Paris, 1813. W. F. Wilcke Gesch. d. Tempelherrenordens (3 Bde. Leipzig, 1826-35), i. 234. E. A. Schmidt's Gesch. v. Frankreich, i. 692. W. Havemann's Gesch. d. Ausgangs des Tempelherrenordens. Stuttg. u. Tübingen, 1846. In the year 1306 the Grandmaster, James of Molay, came from Cyprus to France at the Pope's invitation to consult about a new crusade (Raynald. ann. 1306, no. 12): but although he was honorably received even in Paris (Raynouard, p. 17), Philip nevertheless already entertained secret designs against the order, comp. Clementis Ep. ad Philippum dd. 24. Aug. 1307 (in Baluzii Vitae PP. Aven. ii. 75): *Sane a memoria tua non credimus excidisse, quod Lugduni et Pictavis de facto Templariorum zelo fidei devotionis accensus nobis tam per te quam per tuos pluries locutus fuisti, et per Priorem monasterii novi de Pictavo aliqua intimari curasti. Et licet ad credendum quae tunc dicebantur, cum quasi incredibilia et impossibilia viderentur, nostrum animum vix potuerimus applicare; quia tamen plura incredibilia et inaudita extunc audivimus*

dishonorable arts to the urgent attempts of the ambitious monarch to procure the Imperial throne, vacated by the death of

de praedictis, cogimur haesitare. Quis vero magister militiae Templi ac multi praeceptores—a nobis, nedum semel, sed pluries cum magna instantia petierunt, quod nos super illis eis falso impositis, ut dicebant, vellemus inquirere veritatem; nos—diligentis inquisitionis indaginem infra paucos dies—propter hoc instanti die Veneris civitatem Pictaviensem intraturi proponimus inchoare, etc. The result of this Papal inquiry was without doubt in favor of the Templars: however Philip, supported by a requisition from the Inquisitor, William of Paris, his father-confessor (secret order of the 14th Sept. 1807, in Ménard, Hist. de la Ville de Nîmes, t. i., Paris, 1750. 4., Preuves, p. 196), gave orders for the general arrest of the Templars in France on the 18th Oct. 1807, and then allowed the inquiry to begin at once. In the articles, subjoined to this order, the secular authorities were instructed: cum eis [templariis] primo per se inquirant, commissariis inquisitoris subsequenter vocatis, et veritatem examinent omnimodo quo poterunt, etiam ubi faciendum viderint per tormenta. The errors of the Templars, against which the inquiry was to be directed, were thus stated: Illi, qui recipiuntur, petunt primo panem et aquam illius Ordinis, et postmodum Praeceptor vel Magister recipiens eum ducit secrete post altare, vel in sacristiam, seu locum similem, et eis ostendit crucem cum effigie Domini nostri J. Chr., et facit eum qui recipitur negare prophetam, scil. Dominum J. Chr., cujus est illa figura, et hoc ter, et qualibet vice spueri supra crucem; et postea exiit suis vestibus qui recipitur, et recipiens osculatur eum in capite spinae dorsi sub balteo, et secundo osculatur eum in umbilico, tertio in ore; et dicit ei, quod si quis frater Ordinis velit se commiscere sibi concubitu, hoc sustineat, quia hoc tenetur facere juxta statuta Ordinis, et quod ob hoc plures ex eis super sodomiam ad invicem se commiscunt; et cum recipiuntur, singulis cordis lineis cinguntur, quas toto tempore vitae suae portare tenentur, et dicitur quod in quodam idolo quod adorant involutae fuerunt; item quod Presbyteri illius Ordinis non conficiunt sacramentum altaris; item quod habent quoddam idolum in forma capitis hominis, quod in capitulis provincialibus adorant, sed hoc nesciunt omnes fratres, sed antiqui. (In some examinations the name Bafometus, i. e. Mohammed in the Provençal dialect, as Mosques are called Bafomairia, appears for this idol. Thus in the examination at Carcassone in Raynouard, p. 291: Gauzerand de Montpézat—dit, que le chef, qui le recevait, lui montra une idole dorée, ayant la forme d'homme avec de la barbe: ce chef lui déclara, qu'elle était faite in figuram Bafometi. Raymond Rubei dépose, que celui qui le recevait lui montra un bois où était peinte figura Bafometi, et illam adoravit osculando sibi pedes, dicens *yalla*, verbum Saracenorum. In a trial at Florence it was deposed, in Raynouard, p. 295, that one Templar had called aloud to the rest: adores cette tête: istud caput vester Deus est et vester *Mahumet*.) The inquiry was conducted with cruelty: many confessed (Continuator Guillelmi de Nanglaco in d'Achery Spicil. iii. 60: eorum nonnulli sponte quaedam praemissorum vel omnia etiam laerimabiliter sunt confessi. Alii quidem, ut videbatur, poenitentia ducti, alii autem diversis tormentis quaestionati, seu comminatione vel eorum aspectu perterriti, alii blandis tracti promissionibus et illecti, alii arcta carceris inedia cruciati vel coacti, multipliciterque compulsi. Multi tamen penitus omnia negaverunt, et plures, qui confessi primo fuerunt, ad negationem postea reversi sunt, in ea finaliter persistentes, quorum nonnulli inter ipsa supplicia perierunt); in several places all confessed (thus did 45 in Aigues-mortes, 15 in Nîmes, see the minutes in Ménard, l. c. p. 197): only the greater part knew nothing of an idol, and of the unconsecrated host. Even the Grandmaster confessed repeatedly (Clementis V. vita i. in Baluzii Vitae Paparum Avén. p. 10; again in October 1807, congregatione generali omnium magistrorum et scholarium cujusque Facultatis facta apud Templum, Magister transmarinus adductus et quidem alii coram omnibus confessi sunt quosdam articulorum praedictorum, et dixerunt aliqui eorum, quod credebant, hunc modum professionis suae maledictae coepisse jam erant quadraginta anni et amplius, et hactenus fuerat occultatum. Item in alia congregatione coram Universitate Magister et alii plures totum simpliciter sunt confessi, et Magister pro toto Ordine. p. 11: Parisiensis Universitas, praecipue Magistri in theologia requisiti—mittere confessionem Magistri Templi et

Albert I. († 1308), for his own brother, Charles of Valois.<sup>5</sup> True, the imposing spectacle of a general council assembled at Vienne (from 16th Oct. 1311—6th May, 1312) furnished the Pope with the

quorundam aliorum magnorum, sabbato post ascensionem Domini (1308)—per manum tabellionis scriptam dictam confessionem Regi mandaverunt, et copiam literarum Magistri Templi, quibus omnibus fratribus suis intimabat, quod haec et haec fuerat confessus, et quod idem confiterentur omnes, velut antiquo decepti errore.) The Pope was at first roused to anger by this proceeding (see Letters to all French Bishops and Inquisitors of the 5th July, 1308, in Guilelmi Majoris Episc. Andegav. gesta, c. 49, d'Achery Spicileg. ii. 199: Dudum Templariorum subitam captionem, quam ad nostri apostolatus et fratrum nostrorum pertulit vulgatus rumor auditum, quia rationes et causae, quae—Philippum Regem—induxerant ad hujusmodi captionem, tibi que Guilermo suggererant Regem super hoc requirere, nostram—latebant notitiam, non immerito nos et fratres ipsi dolentes suscepimus, cum per te Guilermum praedictum nobis, quibus quodammodo vicinus eras in Januis, nihil intimatum fuisset; ac praecipiti festinatione processus per vos contra ipsos habiti, et ut timebatur habendi, super quo inaudita publica referebat assertio, grandis suspicionis materia in nostra et fratrum ipsorum mentibus exstitit suscitata. Propter quod omnem quae habebatis in negotio potestatem de praedictorum fratrum concilio suspendentes, ad nos negotium ipsum totaliter duximus revocandum. The minutes of the examinations were then transmitted to him: Multa per eosdem processus contra ipsos apparent fuisse reperta, de quibus modicam habebamus verisimilem conjecturam, nec ad illa credenda nostrae mentis opinio poterat inclinari. However, after that 72 Templars had repeated their confessions before him, and the Cardinals at Poitiers in June, 1308 (see the Bull *Regnans in caelis* of 12th Aug. 1308, in Mansi xxv. 371: Multos de Praeceptoribus, Presbyteris, Militibus et aliis Fratribus dicti Ordinis, reputationis non modicae, in nostra praesentia constitutos, praestito ab eis juramento, quod super praemissis meram et plenam nobis dicerent veritatem, super praedictis interrogavimus, et usque ad numerum septuaginta duorum examinavimus, multis ex fratribus nostris nobis assistentibus diligenter. Eorumque confessiones per publicas manus in authenticam scripturam redactas, illico in nostra et dictorum fratrum nostrorum praesentia, ac deinde interposito aliquorum dierum spatio in Consistorio legi fecimus coram ipsis, et illas in suo vulgari cuilibet eorum exponi. Qui perseverantes in illis, eas expresse et sponte, prout recitatae fuerant, approbarunt), likewise also the Grandmaster and five Praeceptors before a deputation of three Cardinals at Chinon in August (l. c. and the report of these Cardinals on the proceeding in Du Puy, p. 240. The Grandmaster acknowledged only the *abnegatio*, all asked and received absolution): Then Clement appointed ecclesiastical commissions of inquiry for all Christian realms, by the Bulls, *Regnans in caelis* and *Faciens misericordiam*, dd. 12th Aug. 1308 (Du Puy, p. 242 and 252. Mansi xxv. 369.) To these Bulls 127 articles of Inquisition were affixed (in Du Puy, p. 262. Michelet, p. 89), in which some additional charges, for instance the worship of a cat, are brought forward. The Papal commission appointed for France, carried on the inquiry at Paris from 7th August, 1309, to 26th May, 1311, in a very humane manner. The minutes may be found translated in Moldenhawer's *Process gegen den Orden der Tempelherren*, Hamburg, 1792, in the Latin original in Michelet, *Procès des Templiers*, t. i. Paris, 1841. 4., belonging to the Collection de Documents Inédits sur l'Hist. de France. The minutes of the inquiry carried on in England may be seen in the *Concilia Magnae Brit. et Hiberniae*, ii. 329. [Compare Redslob, in *Zeitschrift f. hist. Theologie*, 1855, s. 595, on the *Figura Baffometi*, that it was a cabalistic sign, meaning *the Key of the House of Jehovah*, and numerically significant.]

<sup>5</sup> Publicly he seemed to recommend Charles to the electoral Princes (see Olenschlager's *Staatsgeschichte des röm. Kaiserthums in der ersten Hälfte des 14ten Jahrh. Frankf. u. M.* 1755. 4. *Urkundenbuch*, s. 12. ff.); in private he forwarded the election of Henry, count of Luxemburg (Villani, lib. viii. c. 101). F. W. Barthold's *Bomerzug König Heinrichs v. Lützelburg* (2 Th. Königsberg, 1830. 81.), i. 303.



means of protecting the Papacy from the disgrace of a condemnation of his predecessor;<sup>6</sup> but to attain this, at the same council he sacrificed the Templars to the ambitious king,<sup>7</sup> without any sufficient proof of the guilt of the Order.<sup>8</sup>

<sup>6</sup> Preliminary thereto was the Bull of 27th April, 1311 (in Raynald. ad h. a. no. 96 ss.). After the recital of the progress of the prosecution and defense down to this time, it continues: Nos—apud eundem Regem—institimus,—ut rejectis anfractibus denunciationum et objectionum hujusmodi—ipsius negotii prosecutionem nostrae et Ecclesiae ordinationi relinqueret,—ita quod nos et eadem Ecclesia—ex officii nostri debito ad ipsius negotii cognitionem,—et totalem decisionem procedere—ac finem congruum eidem imponere deberemus. Competenti super his inquisitione praehabita comperimus, quod, etal etiam—denunciatores—ad denunciations,—ac dictum Regem ad requisitionem praedictam—faciendas objectorum veritas, de quibus certi non sumus, forsitan non movisset: ipse tamen ad hoc praconcepta malignitas, aut mala causa non impulit, sed bonus, sincerus et justus zelus induxit: unde—denunciatores—et dictum Regem—extra omnem calumniam fuisse et esse, ac bono, sincero et justo zelo, ex fervore catholicae fidei processisse,—tenore praesentium declaramus. Quibus pronunciationibus—factis—cum in negotio memorato vellemus ulterius—procedere,—illi qui defensionem—dicti Bonifacii se—offerebant, negotium hujusmodi in officii nostri mera et libera potestate sponte ac libere dimiserunt: ac demum praefatus Rex—pro se ac universis regnicolis regni sui—nostris in hac parte requisitionibus de abundantia regalis clementiae per effectum operis acquievit. Motum et zelum dicti Regis in hac parte ex fervore fidei—prodeuntem non immerito approbantes, et sonoris laudum efferentes praeconiis, ac volentes praefato Regi et suis adversus futura pericula sic plene prospicere,—quod inclytae domus et regni Franciae fama celebris,—nullis obloquentium morsibus—in posterum pateat; omnes sententias latas ab homine vel a jure, constitutiones, declarationes non inclusas in sexto libro Decretalium, in quantum praepjudicant, vel possent praepjudicare honori, statui, juribus et libertatibus dictorum Regis et regni, regnicolis assertoribus, denunciatoribus, delatoribus,—relaxamus, revocamus, irritamus, annullamus, cassamus. Et si qua calumnia, macula, sive nota ex praemissis denunciationibus,—aut quibuscunque contumeliis, blasphemis—eidem Bonifacio—illatis—praefato Regi, posteritati suae,—et denunciatoribus,—nec non et adiutoribus—ex captione, insultu et aggressionem praedictis—impingi, imponi, vel impitari possent in posterum quoquo modo; hujusmodi calumnias, notas, maculas—totaliter abolemus et tollimus. So the decision of the Council in acquittal of Boniface might be foreseen (Villani, ix., c. 22. Raynald. ann. 1312, no. 15). On the other hand, all passages offensive to Philip were obliterated from the Registrum Bonifacii (Raynouard, Monumens Hist. relatifs à la Condamn. des Chevaliers du Temple, p. 190: a list of these may be seen in Raynald. ann. 1311. no. 82 ss.).

<sup>7</sup> Bernadus Guido in Vita Clementis (Baluz. i. 58) records that the Pope, in privato consistorio, on 22d March, 1312, had decreed the suppression of the Order, and at the second session of the Council, 3d April, announced this decree, praesente Rege Franciae Philippo cum tribus filiis suis, cui negotium erat cordi (comp. Contin. Chron. Guil. de Nangis in d'Achery Spicil. iii. 65). The Bull of suppression *Ad providam* (in Mansi xxv. 389. Rymer-Clarke II. i. 167) is dated 2d May, 1312. Here we find: Dudum siquidem Ordinem domus militiae templi Hierosolymitani propter magistrum et fratres—varias—infandis—obscenitatibus, pravitatibus, maculis et labe respersos,—ejusque Ordinis statum, habitum atque nomen,—non per modum diffinitivae sententiae, cum eam super hoc secundum inquisitiones et processus super his habitos non possemus ferre de jure (to wit, as the Contin. Guil. de Nangis, l. c., declares, cum Ordo ut Ordo non esset adhuc convictus: the acknowledged crimes of individuals were regarded as proved), sed per viam provisionis, seu ordinationis apostolicae, irrefragabili et perpetuo valitura sustulimus sanctione. With regard to the possessions of the Order it was decreed, ut Ordini hospitalis s. Joannis Hierosolymitani—in perpetuum unirentur: exceptis bonis—Ordinis—

Clement seemed to wish to recompense himself for this humili-

consistentibus in regnis—Castellae, Aragoniae, Portugalliae et Majoricarum regum illustrium (in Aragon the Order of Montesa, founded in 1317, received these possessions, in Portugal the Order of Christ, founded in 1319; see Havemann's *Gesch. d. Ausgangs d. Tempelherrordens*, s. 386. That the Order of St. John, notwithstanding the payment of vast sums over to the Pope and King, still did not come into possession of all their property, may be seen in Raynouard, p. 197. Havemann, s. 383, Wilcke, ii. 63). It is remarkable that even after this Papal Bull of suppression, the Council of Saragoosa (10th Aug. 1312 ff.) pronounced the Templars of this place guiltless, after a previous examination, and decreed them a maintenance (Mansi xxv. 516: The publication of the minutes of this Council, promised by Peter de Marca, was never accomplished). The Grandmaster, James of Molay, was sentenced to imprisonment for life; when, however, he revoked his confession, he was burned to death on 11th March, 1314, together with another chief of the Order. (Cont. Chron. de Nangis in d'Achery, iii. 67. Villani, viii. c. 92. Raynouard, p. 205, ss.)

\* Some even of the writers of the day thought that Philip had suppressed the Order unjustly out of covetousness; see *Chronique de Godefroy de Paris* in Buchan Collection de Chroniques, ix. 221:

Dyversement de ce l'on parle  
Et au monde en est grant bataille;  
Mais je ne sais que vous en die.  
Li uns dient que par envie,  
Li autres dient autrement.

Villani, viii. c. 92. Jo. Boccacius († 1375) *De Casibus Virorum Illustrium* (see Bulaei, *Hist. Univ. Paris*, iv. 110). Especially Albericus de Rosate, Jurist about 1350, in his *Dictionarium juris* ed. Venet. 1601 s. v. *Templo*: *Templarii erant magnus ordo in Ecclesia, et erant milites strenui b. Mariae. Et destructus fuit ipso tempore Clementis Papae ad procreationem Regis Franciae. Et, sicut audivi ab uno qui fuit examinatus causae et testium, destructus fuit contra justitiam. Et mihi retulit, quod ipse Clemens protulit hoc: etsi non per viam justitiae possit destrui, destruat tamen per viam expedientiae, ne scandalizetur carus filius noster Rex Franciae. Thus also the historians, F. Closener († 1384, *Bibliothek d. literar. Vereins in Stuttgart*, i. 51 f.), Detmar (1385, *Grautoff's Lübeckische Chroniken*, i. 190), Antoninus Florentinus († 1459 in *Raynald. ann.* 1307, no. 12), and Joannes Trithemius († 1517), maintain the injustice of the condemnation of the Order. On the other hand, all French writers of the 14th and 15th centuries, and from the 16th century onward, for a long time, almost all historians, have taken for granted that the guilt of the Templars was proven. Later writers recognize the irregularity of the proceeding; but their opinion as to the guilt of the Order is divided. Nicolai (*Essay on the Charges brought against the Order of Knights Templars*. Berlin, 1782) was the first to discover, in the idolatry attributed to the Templars, an esoteric mystery of Gnosticism, into which men were initiated in the three degrees of the Order; he explained Baffometus, the supposed idol of the Templars, to be *βαφή μήτρος*, a gnostic symbol. V. Hammer (*Mysterium Baphometis Revelatum*, in the *Fundgruben des Orients* Bd. 6. st. 1. Wien, 1818) concluded from some imagery, which he considered to belong to the Temple, that the Templars were Ophites, and their idolatry a worship of the powers of nature, especially the power of procreation. Wilcke (*Gesch. des Tempelherrordens*, i. 342. ff.) considers the mystery of the Temple a Mohammedan gnosticism; Leo (*Gesch. d. Mittelalters*, i. 864), a frivolous Deism, which secured the secrecy of its followers by a disgraceful initiation: in like manner, Rehm (*Gesch. d. Mittelalters* III. i. 235) and Schlosser (*Weltgesch.* IV. i. 192); Michelet (*Revue des Deux Mondes*, x. 818) considers it as a symbolical denial, an imitation of St. Peter's. Defenders of the Order: Herder, *historic doubts on Nicolai's book*, etc. (in the *Deutsche Mercur*, 1782, March, etc., with additions in Herder's *Works on Philosophy and History*, Carlsruhe edition, xiii. 266); Munter on the principal charges brought against the Order of the Temple (in Henke's *Neue Magazin*, v. 851); Raynouard, *Monumens Historiques relatifs à la Condamnation des**

ation to France by an extension of his power abroad. Against

Chevaliers du Temple, Paris, 1813, and his later treatises in refutation of Hammer, in the *Journal des Savans*, Mars et Avril, 1819, *Biblioth. universelle*, x. 327, xi. 3, especially the note in Michaud, *Hist. des Croisades* éd. 4. v. 572; W. G. Soldan *uber d. Process der Templar* (in Raumer's *Hist. Taschenbuch*, 1845, s. 389); W. Havemann's *Gesch. d. Ausganges d. Tempelherrnordens*, Stuttg. u. Tubingen, 1846; G. J. Rooijens *de Beschuldigungen tegen de Tempelorde* (in *Kist en Royaards nederlandsch Archief voor kerkelijke Geschiedenis*, vii. 5). It can not but be allowed that Philip desired the condemnation of the Templars from ambition and self-interest, and compelled the Pope to this measure; that the confessions of the Templars are as unworthy of belief as all others extorted by torture in the inquisitorial trials of the day; that many Templars under torture had confessed what was manifestly false and preposterous (thus two stated at Alais, that the devil appeared as a cat, and fiends as women in their chapters; that the cat and an idol-head had spoken, Ménard, *Hist. de Nismes*, i., *Preuves*, p. 211, 212); that the Templars who confessed at first, could not revoke their confession even before the Papal commission of inquiry without fear of being burned alive as relapsed (for the Papal commissaries declared repeatedly, e.g. Michelet, *Procès des Templiers*, p. 48, *quod non intromittent se de facto singularium personarum, sed de facto ordinis, comp. p. 28, accordingly they delivered over all proceedings against individuals to the customary inquisitors*); and that in fine many depositions of the Templars, which assert their innocence, carry with them a high degree of moral probability (e.g. Amerius de Villaribus in Michelet, p. 276, Johannes de Pollencourt, p. 369). But, on the other side, the following considerations also must be thrown into the scale. 1. Of all who confessed, by far the greater number acknowledge only the denial of Christ, and in spite of all torture repel the rest of the charges. Thus Gerardus de Pasagio (Michelet, p. 212) confesses the denial, says that on this account he had retired from the Order five years before, but he pleads innocence of sodomy and idolatry, and says, p. 218, *quod propter dictos articulos, quia non confitebatur eos coram baylico regio Matisconensi, fuit quaestionatus ponderibus appensis in genitalibus suis et in aliis membris quasi usque ad exanimationem*. 2. Many declare that they had already made confession of this denial to priests, who did not belong to the Order; they mention their names, and give their expressions, and the penances which they had imposed upon them, comp. Michelet, p. 273, 303, 361, 523, 526, 528, 533, 545. 3. Baldoynus de s. Justo, *Praeceptor*, says in Michelet, p. 241, that he, *vi et metu tormentorum confessus fuit plura coram ipsis Praedicatoribus quam postea Parisius coram domino Episcopo,—et plus quam non deponat coram dominis commissariis*. Still he continued to acknowledge the denial; he believed, however, p. 244, *quod abnegationes ab aliquibus et in aliquibus locis fierent, sicut ipse fecit: scit tamen bene, ut dixit, quod in aliquibus locis non fiebant dictae abnegationes*. 4. Others who were not Templars asserted, that even before the investigation, intimations had been given to them by friends of their own who were Templars, of secret abominations in the Order, without any more accurate statement. Thus Radulphus de Praellis in Michelet, p. 175, Antonius Syci de Vercellis, public notary, p. 644. 5. The Grandmaster and several officers of high rank, who must have retained a lively sense that it was their especial duty to defend the honor of their Order, who also as knights were accustomed to look death in the face, confess directly and repeatedly, but only to the denial. The after-declaration of the Grandmaster, before the Papal commission, by no means contradicts, as has been often supposed, his former confessions. When the Bull *Faciens misericordiam*, and in it his deposition taken down before the Cardinals, was read over to him (Michelet, p. 34), producing bis signum crucis coram facie sua et in aliis signis praetendere videbatur, esse valde stupefactum de his, quae continebantur super praedicta confessione sua et aliis in literis apostolicis supradictis, dicens inter alia, quod si dicti domini commissarii fuissent alii, quibus liceret hoc audire, ipse diceret aliud. Et cum fuisset responsum eidem per dictos dominos commissarios, quod ipsi non erant ad recipiendum vadium duelli, subjunxit dictus Magister, quod non intendebat dicere de hoc, sed placeret Deo, quod illud quod observatur a Saracenis et Tartaris observaretur contra tales perversos

Venice, with which he had begun a quarrel about the possession

in hoc casu, nam dicti Saraceni et Tartari abscondunt caput perversis inventis, vel scindunt eos per medium. He does not here declare that the statements with regard to his former avowals were false, but his reproaches are aimed against the Commissaries before whom he was standing. His avowal was employed as evidence of the guilt of the Order, and the Commissaries explained to him, that their investigation was concerned only with the guilt of the Order, not with that of individuals: he, however, had expected that the guilt of individuals would be punished, but the innocence of the Order be recognized. To attain the latter end he needed the assistance of counsel, which he as well as many other Templars had demanded; he did not require it for the explanation of his own confession. Accordingly, as a *miles illiteratus*, he declined the defense of the Order (p. 42), but he recalled to their recollection its services to the Church. Also the last words of Molay before his death, with regard to which, at any rate, we can look for no more trustworthy statement, neither in Villani (Muratori scriptt. xiii. 430) nor elsewhere, are to be explained by his grief at the disgraceful end of his Order, and besides by the fact that he had been made to contribute to it by his confession: accordingly he refused to repeat his confession, and asserted the innocence of the Order. 6. It has been concluded from the manner of the suppression, that Clement acknowledged the innocence of the Order, but could not escape from Philip's importunity. However, it is much more consistent with the foregoing circumstances to conjecture that the Pope wished to avoid a public inquiry and condemnation, by means of which the hidden abominations existing in the Order would have been brought to light in an incontrovertible manner, because it might easily exercise an unwholesome influence upon public opinion with regard to all ecclesiastical orders. Accordingly, we must believe that the charge of apostasy was better grounded than the other charges brought against the Order. It is in the highest degree probable, that it was a common occurrence in the Order, that sometimes immediately after the statutory initiation, sometimes after an interval, the initiated person was required, either by one officer, generally the officiator at the ceremony, or by more than one, commonly without further witnesses, to deny Christ and spit upon the cross. Stephen of Stapelbrugge states for this reason (Conc. Magnae Brit. ii. 888): *duae sunt professiones in Ordine Templi, prima licita et bona, et secunda est contra fidem: Geraldus de Causso in Michelet, p. 379, and Mattheus de Tilleyo, p. 358, describe both forms of admission with the greatest minuteness. It was given as the reason for the denial of Christ that it was, de punctis Ordinis (Michelet, p. 222, 475), quod ita servabatur in Ordine (p. 194), quia sic erat in Ordine consuetum (p. 335). On the other hand, the brethren were very far from taking this in earnest: the cross which they denied was afterward regarded with the greatest reverence by the initiator and the initiated (p. 361): all the Templars who avow the denial, assert at the same time their orthodoxy, and declare that they believe their brethren also to be orthodox. When Egidius de Rotangi refused the denial (p. 464), quia erat bonus Christianus, the initiator answered him: talem vos reputamus et esse volumus, sed oportet vos abnegare, quia hoc est de punctis Ordinis nostri. To an initiated, surprised by the denial, another Templar declares it to be *pro trufa* (p. 510). On the other side, many who had themselves denied Christ, assert that the denial was not universal in the Order; so Baldwynus de s. Justo, p. 244; see above, Geraldus de Causso, p. 392; Guido Delphini, p. 415. Therefore Ponzardus de Gysiaco, p. 36, denies, ipsum Ordinem abnegare Jesum Christum et spere super crucem: the Order was guiltless, though some members were guilty. With regard to the origin of this evil custom no satisfactory information is furnished by the minutes. The serving brother, Mattheus de Tilleyo (Michelet, p. 361), believed that the denial was required of him, ut esset eis (superioribus) magis subjectus et in majorem confusionem suam, si vellet erigere se contra superiorem suum. But this gives us no clew to the reason for its first introduction. Probably some Arabian charms, which were supposed to make men victorious and strong, but which had no effect upon a man unless he renounced his allegiance to Christ by denial, were known to many Christian knights during the Crusades, and were appropriated especially by the ambitious Templars, always with the under-*

of Ferrara (1308),<sup>9</sup> he launched with terrific imprecations the ecclesiastical ban, blended with secular forfeiture, in a manner hitherto unheard of (1309).<sup>10</sup> From this the Republic could ob-

standing that they would afterward be able to reconcile themselves to the Church in time enough for the salvation of their souls. The unfortunate issue of the Crusades was frequently ascribed to the magic arts of the Saracens. Even a Roger Bacon, *Opus majus* ed. Jebb, p. 253, writes: *Et ideo Tartari procedunt in omnibus per viam astronomiae, et in praevisione futurorum et in operibus sapientiae. Cujus signum est evidens, quod cum sit gens habens parvos et debiles homines,—jam totam latitudinem mundi prostraverunt. Similiter Saraceni multum utuntur astronomia, et sciunt sapientes inter eos facere haec opera. Et nisi Ecclesia occurrat per sancta consilia ad impediendum et destruendum opera hujusmodi, aggravabitur intolerabiliter flagellis Christianorum. Si igitur Christiani scirent haec opera auctoritate papali facienda ad impedienda mala Christianorum, satis esset laudabile, et non solum propter mala repellenda, sed ad promotionem quorumcumque utilium.* This opinion naturally took a rude form among rude soldiers. The *Sirvente* of the Troubadour, *le Chevalier du Temple*, Div. 2, § 56, note 23, shows with how great resentment the Knights Templars regarded the fruitlessness of their efforts in Palestine. Christ seemed to sleep, the great wizard Mohammed to rule alone, so whoever wishes for good luck and success must borrow of him. The rude soldiers were too much wanting in education to adopt the mysterious sciences of the Saracens, as Bacon would have it; but they found among them certain charms and talismans to keep them unwounded and victorious in battle, to win them kingdom, honor, and might, and so forth, the use of which was easily learned (with reference to the magic of this age, see the Bull of John XXII., *Super illius specula*, in the *Bullarium Romanum*; Meiner's *Comparison of the Manners of the Middle Ages with those of our Century*, iii. 182): the advantage of the Order, which they had been long wont to prefer even to the interest of the Church (Div. 2, § 72, note 18), covered the guilt. That the Templars were often united in very close connection with Mohammedan princes is well known. Frederick II. relates, that two sultans were received into a stronghold of the Templars and allowed to celebrate their worship. (Div. 2, § 72.) Afterward a Praeceptor in Sidon concluded a treaty of alliance with the Sultan of Babylon, with the ceremony of mutually drinking each other's blood (Michelet, p. 645). The denial of Christ may have been a preparation for the reception of a magic charm, which perhaps consisted in the peculiar fashion of the neck-lace which the Templars wore. After the close of the war the tradition of the magic charm was lost, but the denial was retained in a large part of the Order, for those who had themselves denied Christ found some relief under their guilt in imposing it as a custom of the Order upon those who were admitted. In consequence of this one impious custom, the mysterious rites, as they were then practiced in many ways upon novices, might easily assume an impious form, and gradually be accepted by many in real earnest. Thus may the filthy kisses, which next to the denial were most frequently avowed, be easily accounted for. Thus also the charge that the Order enjoined sodomy; the frequent representation of two Templars upon one horse, furnished their coarse wit with a handle for this assertion; and thus the tale of the head of Mohammed, what was originally a metal saint's head with relics, such as are still found sometimes upon (Roman) Catholic altars, may have been misinterpreted as such by military profaneness. That the apparition of fiends in the chapters was afterward added by popular superstition is self-evident. [Cf. Hammer Purgstall, *D. Schuld, d. Templers*. 8. Wien, 1855, from the fourth vol. of the *Memoirs of the Vienna Academy*, defending the accusation of Manicheism.]

<sup>9</sup> Cf. Raynald, ann. 1308, no. 14. *Le Bret Staatsgeschichte der Republik Venedig*, i. 672.

<sup>10</sup> Raynaldus, ann. 1309, no. 6, is ashamed to communicate in full the *judicialium edictum die coenae Dom. consignatum*, and only gives extracts from it: *Ni parent, sacrorum usu et commercio publico Venetorum omnem ditionem privavit: inussit infamiae*

tain absolution only by submission (1313).<sup>11</sup> He demeaned himself no less imperiously toward the German monarch, Henry VII.<sup>12</sup> When this young and gallant prince, on his march to Rome (1310 sq.), vindicating once more the long-forgotten imperial rights in Italy,<sup>13</sup> acted toward Robert, king of Naples, who had immediately met him with hostilities, as toward a vassal, the Pope was not satisfied with merely asserting his own feudal authority over Sicily, but also ventured, by setting up the Papal right of universal monarchy in opposition to the Imperial claim founded on the fundamental principles of the Roman jurists,<sup>14</sup> to attempt to mediate peace, as if between two of his own conflicting vassals.<sup>15</sup> Henry's

notam magistratibus, legum et judiciorum beneficio privatos pronunciavit, viros ecclesiasticos abire ditione Veneta jussit, exceptis illis, qui baptismalia infantibus et morituris confessionis sacra conferrent. Demum si in coeptis perstarent, praefixo ad veniam postendam tempore, duces insignibus ducibus exuendum, et omnes Venetorum fortunas fisco addicendas, Regumque in eos imploranda arma pronunciavit, donec Ferrariam Ecclesiae restituisent. Besides there is also the statement (ibid. no. 7), Venetos in servitutem addictos, occupantibus bona direptioni sive in Italia sive in Graecia exposita, and the injunction on all princes and bishops to spoil and enslave the Venetians found in their dominions. <sup>11</sup> Raynald, ann. 1313, no. 81, sq. Le Bret, i. 707.

<sup>12</sup> Henry had sent ambassadors to the Pope in 1309 with full powers (Raynald. ad h. a. no. 10), devotionem et filialem reverentiam, quam erga vos et sacrosanctam Romanam Ecclesiam—gerimus, exponendi,—nec non—praestandi in animam—nostram *debitae vobis et s. Romanae Ecclesiae fidelitatis, et cujuslibet alterius generis juramentum, et specialiter ad petendum a vobis unctionem, consecrationem et coronam Imperii de sacratissimis manibus vestris nobis impendendum, etc.* The oath taken by them in Henry's name (Raynald. l. c., no. 12) is remarkably suggestive in its beginning of the oath of fealty in use at the time (comp. Div. 1, § 28, note 11): Nos—vobis sanctissimo Patri—vice et nomine—nostri Regis, et in animam ipsius promittimus, et juramus,—quod nunquam vitam aut membra, neque ipsum honorem quem habetis, sua voluntate, aut suo consensu, aut suo consilio, aut sua exhortatione perdetis; et in Roma nullum placitum aut ordinationem faciet de omnibus, quae ad vos pertinent aut Romanos, sine vestro consilio et consensu, etc.

<sup>13</sup> Olenzschlager's Staatsgeschichte des Rom. Kaiserthums in der ersten Hälfte des 14ten Jahrh. Frankf. a. M. 1755. 4. Der Romerzug König Heinrichs v. Lützelburg, v. F. W. Barthold, 2 Th. Königsb. 1830. 31. Acta Henrici VII. Imp. primum luci dedit Gu. Doenniges, P. II. Berol. 1839. 4. W. Donniges Kritik d. Quellen für die Gesch. Heinrichs VII. Berlin, 1841.

<sup>14</sup> See Div. 2, § 52, note 11; § 54, note 4. At this period (not first under Lewis the Bavarian) Dante Alighieri defended this claim in his Monarchia, lib. iii. (in S. Schardii Syntagma Tractatum de Imperiali Jurisdictione. Basil, 1566, and Argent, 1609, fol. p. 80), when he endeavored to prove, Monarchiam Romanam de jure esse Monarchiam mundi, et immediate a Deo dependere, non ab aliquo Dei vicario vel ministro, quem Petri successorem intelligo. Henry himself decidedly asserted this idea in a law issued at Pisa in 1312 (Extravagantes, quas nonnulli xi. Collationem appellant, Tit. I. at the end of the Codex Justin.): divina praecepta, quibus jubetur, quod omnis anima Romanorum Principi sit subjecta.

<sup>15</sup> Clement wrote to Henry and Robert (Raynald. ann. 1312, no. 44), quod cum ipsi Reges, ejusdem Ecclesiae specialissimi filii, sibi juramento fidelitatis et alias multipliciter essent adstricti, ipsius Ecclesiae debeant esse promptissimi defensores. Henry, on

firmness gave reason to expect a wide-reaching struggle,<sup>16</sup> when sudden death carried him off at Buonconvento, in the territory of Siena (24th August, 1313);<sup>17</sup> and now Clement could publish the

the other side, caused a declaration to be made in public instruments, *se non fore cuiquam ad juramentum fidelitatis adstrictum*.

<sup>16</sup> When Nicolaus, Ep. Botrontinensis, who had accompanied the Emperor so far, warned him at leave-taking (cf. ejusd. *Relatio de Henrici itinere Italico in Baluzii, PP. Aven. ii. 1228*, and in Böhmer's *fontes rerum Germ. i. 136*), quod caveret summe de occasione quacumque, per quam Ecclesia Romana haberet causam ipsum offendendi directe vel indirecte, the Emperor answered, ridendo et quasi me confortans: Sitis consolatus. Nos audivimus consilium nostrorum Clericorum juratorum, utrum defendendo nos Deum offendamus, et utrum teneamur facere justitiam et delinquentes punire: ex quo Deum non offendimus prædicta faciendo, sed magis offenderemus ipsum contrarium facientes. When the legate announced to him that, in case of an invasion of Naples, Papa excommunicatum vos denunciabit, et postea procedet ad vestram depositionem, sicut factum fuit de Frederico, qui fuit ditior, nobilior, et potentior et minores rebelles habuit, et plures amicos, tamen finaliter Ecclesia ipsum destruxit: then he answered: Si Deus pro nobis, nec dominus Papa, nec Ecclesia destruet nos, ex quo Deum non offendimus. The ban did not follow till August 6, 1313 (*Raynald. ad h. a. no. 22*), a few days before the Emperor's death.

<sup>17</sup> According to common report he died of poison, which is supposed to have been administered to him by the Dominican Bernardino of Montepulciano in the Lord's Supper. True, the Italian historians of the time mostly allow him to have died of disease (Albertinus Mussatus, the Dominican Ptolemaeus Lucensis, Ferretus Vicentinus, Giov. Villani), and some contradict expressly the tale of the poisoning: only Giovanni di Lelmo, likewise a contemporary, in his *Chronicle of S. Miniato* (in *Lamii Deliciae Eruditorum, Florent. 1740, p. 106*), records it in plain language. On the other hand, among the German retainers of the Emperor, the story was generally believed; and from this circle the author of the *Gesta Balduini*, lib. ii. c. 17 (*Gesta Trevir. ed. Müller et Wyttenbach, ii. 230*), who was closely connected with the Emperor's brother, Baldwin, archbishop of Trèves, reports it in a decided and circumstantial manner (viz. postea sui prudentissimi intelligentes medici ipsum nulla infirmitate alia, quam intoxicationis materia graviter laborare, sibi indicarunt, devotissime supplicarunt, quod hanc intoxicationis materiam sineret eos per inferendum sibi vomitum radicitus revocare. Quibus fertur respondiisse: malo migrando ad Dominum diem claudere extremum, quam generare scandalum in sacrum dominicum et detrimentum Christianorum); and Henry, high-steward of Diesenhofen, canon of Constance, and chaplain to Pope John XXII., states in his additions to Ptolemaeus Lucensis (comp. Docen in Buchler's u. Dümge's *Archiv d. Gesellschaft f. altere deutsche Geschichtskunde, ii. 26*): intoxicatus fuit per quendam Fratrem de Ordine Praedicatorum in speciebus corporis Christi, ut a suis audivi, qui secum fuerunt. Thus all the German chronicles of the 14th century and many poems (*Romantiae, chronicae et cantilenae ac moteti*, in the so-called *Diploma of King John of Bohemia*) record this story of the poisoning; in some it is further stated that the instigators of the poisoning were the Pope and certain Italian cities (Closener, s. 52), or only the cities hostile to the Emperor (Vitoduranus, p. 20), or Engerannus de Marigny, *Thesaurarius Regis Franciae* (*Chron. Corn. Zantfliet in Martene et Durand Ampl. Collectio, v. 163*). The Dominican Order afterward endeavored to clear itself of this disgrace by evidence, for instance by the evidence of John, king of Bohemia, son of the Emperor Henry; this evidence, however, was first brought forward in *Hermannii Korneri* (a Dominican at Lübeck, about 1438), *Chronica Novella* (in *Eccardi Corp. Historic. Med. Aevi, ii. 984*), who had discovered it as copied in the archives of his monastery. In the 17th century it was published from the Dominican archives at Luxemburg, in *Bertelii Histor. Luxemb. p. 49*, from those at Verdun in *Baluzii Miscell. i. 162*. As it is, now, quite incredible that the originals, being of such vast importance to the Dominicans, should have been lost, and

new doctrine of a Papal sovereignty above the Imperial power, in a solemn Bull,<sup>18</sup> dated 21st March, 1314, without encountering any immediate resistance.

that these witnesses should not have been brought forward in the 14th century, if they had been in existence; so, besides, their spuriousness is manifested even by the difference of the copies from each other. The evidence of John of Bohemia is dated 1326 in one copy, in the other 1346, and, nevertheless, is authenticated in Körner by John, bishop of Strasburg, in 1314. The way in which these evidences arose is explained by a passage of a manuscript in the Vatican Library, which Höfler (*Munchener gel. Anz.* February, 1846, s. 222) contributes. After the mention of a report of poisoning, it proceeds: *Quod tamen falsum esse asseruit illustrissimus Rex Bohemiae, Heinrici praefati Imperatoris filius, plenissime Praedictorem habens excusatum. Similiter illustrissima domina Beatrix praefati Imperatoris genitrix vivae vocis oraculo excusat publice coram civibus Metensibus intra Missarum solemnium praedictum confessorem cum multis aliis, quod Imperatori erat cordatissimus; omnes Imperatorem affirmant sine omni suspicione toxici naturali morte quiete vitam finivisse. Quae omnia publice praedicari praecepit Episcopus Johannes Argentiniensis in eadem dioecesi, de quibus literae sunt sane sigillatae in conventu Ordinis Praedicatorum in Nuremberga.* Thus, at first a document from John, bishop of Strasburg, was shown, in which this evidence was stated as given by word of mouth; afterward the evidence of John, king of Bohemia, and others, was drawn up in writing, which must have been authenticated by John, bishop of Strasburg. The question whether Henry was poisoned could only have been solved by an inquiry instituted immediately after his death, but now it can not be decided at all. As it was wrong to maintain the affirmative, first out of hatred to the Order, with a view to make the misdeed of an individual member the crime of the entire society, afterward to use the charge in the Protestant controversy against the (Roman) Catholic clergy (see especially Mart. Dieffenbach, *De Vero Mortis Genere, ex quo Henricus VII. Imp. obiit. Francof. 1685. 4.*); so, on the other hand, it does not admit of absolute denial with Barthold (*Römerzug K. Heinrichs v. Lutzburg, Th. 2, Beil. s. 3*), and Böhmer (*Regesta Imperii* from 1246 to 1313, s. 311). Either way it is a fact of less historical importance, whether the Dominican did commit this crime or not, than that general opinion, in Germany, attributed it to him with great consistency, and in part even accused the Pope of instigating the deed.

<sup>18</sup> In the first place he repealed the sentence of outlawry pronounced by Henry upon Robert, by the Bull *Pastoralis* (Clementin. lib. ii. tit. xi. c. 2: the ancient text is in Doenniges *Acta Henrici VII.*, ii. 241; cf. praef. p. xlii.), not only because the king, as, noster et Ecclesiae Romanae—notorie subditus homoque ligius et vasallus, was not subject to the Emperor, but also, tam ex superioritate, quam ad Imperium non est dubium nos habere, quam ex potestate, in qua, vacante Imperio, Imperatori succedimus, et nihilominus ex illius plenitudine potestatis, quam Christus—nobis—in persona b. Petri concessit. These two bold assertions were again vindicated in two special Bulls. The first (Clementin. lib. ii. tit. ix.: the ancient text is in Doenniges, ii. 237; cf. praef. l. c.), Romani Principes—non reputaverunt indignum,—Romano Pontifici, a quo approbationem personae, ad imperialis celsitudinis apicem assumendae, nec non unctionem, consecrationem, et Imperii coronam accipiunt, se adstringere vinculo juramenti. Then, as Henry had denied that this *juramentum* was an oath of fealty; nos,—ne quis in Romanum assumptus Principem, vel in posterum assumendus, an juramentum hujusmodi—fidelitatis rationabiliter dici possit, in dubitationem ducere audeat, vel super hoc contrarium adstruere veritati: auctoritate apostolica de fratrum nostrorum consilio—declaramus, illud juramentum fidelitatis existere ac censeri debere. The other, dd. ii. Id. Mart. 1314 (in Raynald. ad h. a. no. 2), ad Robertum Regem Sicil.: Nos, ad quos Romani vacantis Imperii Regnum pertinere dignoscitur, attendentes, quam avide Italiae partes, praesertim quae ad Imperium ipsum pertinent, rectorem exigant. Te de fratrum nostrorum consilio in partibus ipsis—vicarium in temporalibus usque ad sedis apostolicae beneplacitum constituimus generalem, etc.



## § 99.

JOHN XXII. (7TH AUGUST, 1316-4TH DECEMBER, 1334.)

After a long, interrupted, and stormy election,<sup>1</sup> John XXII. became Pope; notwithstanding his former promise, he likewise abode at Avignon.<sup>2</sup> Dependent upon France, and haughty toward the Empire as his predecessor, he quickly found, in the contested imperial election<sup>3</sup> between Lewis of Bavaria and Frederick of Austria, a favorable opportunity for vindicating the newly-devised sovereignty of the Pope over the Imperial throne. He was a quiet spectator of the contest between the two candidates for the crown, that in the mean time he might rule as an arrogant administrator of the Empire, especially in Italy,<sup>4</sup> and afterward hand over the

<sup>1</sup> Compare the contemporary Joannes Canonicus s. Victoris in vita Joannis XXII. (Baluzii, PP. Aven. i. 118): Cardinales apud Carpentras, ut de pastore providerent Ecclesiae, convenerunt. Sed effusa est contentio super Principes, nec poterant concordare. Italici talem eligere intendebant, qui ad Romanam sedem curiam revocaret. Quod Cardinales Gascones facere formidabant: quia cum sui de Gasconia Italicis multas injurias irrogassent, certi erant, quod si in manibus Romanorum inciderent, aequipollentiam sustinerent. Fuerunt ergo diu in tali discordia, licet inclusi multa incommoda sustinerent, quia cibaria eorum subtrahebantur, et domus eorum desuper dissipatae. Tandem haec Wascones non ferentes ignem in palatio posuerunt, per quem combusta est pars maxima civitatis. Et sic dispersi Cardinales. According to the Epist. Encyclica of the Italian Cardinals (in Baluz. ii. 286) many of their people were killed, and they themselves could save their lives only by flight. The business of the election was resumed at last in Lyons by means of French mediation. [Comp. M. Bertrand, Recherches Historiques sur l'Élection de Joh. XXII. Pape, etc., 8. Paris, 1856.]

<sup>2</sup> Quinta vita Jo. XXII. (Baluz. i. 178): in sua electione—juravit se nunquam ascensurum equum vel mulum, nisi iret Romam. Quod et servavit, quia navigio ivit usque ad Avinionem et pedes ascendit palatium, de quo postea nisi intrando Ecclesiam majorem, quae contigua palatio est, non exivit.

<sup>3</sup> With reference to the struggle which ensued between Lewis and the Pope, see Georg. Herwart ab Hobenburg (Privy Councilor of Bavaria) Ludovicus IV. Imp. defensio, Bzovius injuriarum postulatus. Monachii. III. Partes 1618-19. 4. Chr. Gewold (Aulic Councilor of Bavaria) Defensio Ludov. IV. Imp. Ratione Electionis contra Bzovium. Ingolst. 1618. 4. Joh. Dan. v. Olenschlager's Erlauterte Staatsgesch. des Röm. Kaiserthums in der ersten Hälfte des 14ten Jahrh. sammt einem Urkundenbuche. Frankf. a. M. 1755. 4. s. 86. ff. H. Zschokke's baierische Geschichten Bd. 2. (Aarau, 1815) s. 108 ff. A. Buchner's Gesch. v. Bayern, Buch 5. (München, 1831) s. 269. Conr. Mannert's Kaiser Ludwig IV., eine gekrönte Preisschrift. Landshut, 1812. Ludwig's d. Baier's Lebensgesch., Preisschrift v. Roman Zirngibl, in d. Hist. Abhandl. d. Baier. Akademie d. Wissensch. Bd. 3. München, 1814. 4. Jos. Schlett's Biographie von Kaiser Ludwig dem Baier. Sulzbach, 1822. C. Höfer's urkundl. Beiträge zur Gesch. Kaiser Ludwig's IV. aus ital. Archiven (bes. aus den Regesten Johannes XXII.) in d. Oberbaierischen Archive f. vaterl. Gesch. Bd. 1 (München, 1839), s. 45. J. F. Böhmer regesta Imperii, from 1314 to 1347. Frankf. a. M. 1839. 4.

<sup>4</sup> The Bull of 31st March, 1317 (in Raynald. ad h. a. no. 27, and in the Extrav. Jo. XXII. tit. 5). In nostram—deductum est—notitiam, quod, licet de jure sit liquidum, et ab olim fuerit inconcussa servatum, quod vacante Imperio,—cum in illo ad saecularem judicem

Imperial throne to the King of France.<sup>5</sup> However, after Lewis had taken his antagonist prisoner (at the battle of Ampfing or Mühldorf, 28th Sept., 1322),<sup>6</sup> John resented with anger his assuming the character of King of Rome<sup>7</sup> before the grant of Papal con-

nequeat haberi recursus, ad summum Pontificem, cui in persona b. Petri terreni simul et caelestis imperii jura Deus ipse commisit, imperii praedicti jurisdictione, regimen et dispositio devolvantur, et ea, tempore durante ipsius vacationis imperii, per se vel alium seu alios exercuisse noscitur in imperio memorato, nonnulli tamen in Italiae partibus—vicariatus seu alterius cujuscumque nomen officii, quod Imperatore vivente ex ipsius commissione gerebant,—post decessum ipsius absque nostra—licentia retinere sibi—praesumpserunt.—Quia igitur error, cui non resistitur, approbatur videtur;—nos volentes nostris et Ecclesiae sponsae nostrae juribus et honoribus in hac parte prospicere,—nec non periculis animarum hujusmodi retinentium—nomina—salubriter occurrere cupientes; praesentium auctoritate monemus sub excommunicationis poena omnes et singulos,—quatenus de caetero a denominatione hujusmodi,—necnon usu, potestate et exercitio supradictis prorsus absterneant.—Alloquin in omnes et singulos—excommunicationis in singulares personas, et in terras et loca ipsorum—interdicti sententias—publice promulgamus, etc. On the quarrel with Mattheo Visconti, imperial vicar in Milan, who indeed laid aside this title, but exercised the same power as Capitaneus, see Villani, ix. c. 85, ss. As Robert, king of Sicily, was not a fit match for him, Philip of Valois was appointed second vicar (Raynald. 1320, no. 10), but Mattheo pronounced a heretic, cum illi Ecclesiae auctoritas sacrorumque religio ludibrio esset (ib. no. 13).—The Pope's attempts to interfere as Viceroy in Germany also may be seen in Oleneschlager, s. 102.

<sup>5</sup> See Raynald. ann. 1234, no. 26. Chronik des Franciscaner Lesemeisters Detmar (written in 1395) published by D. F. H. Grautoff, Th. I. (Hamburg, 1829), s. 216: De Paves dachte jo mer unde mer, wu he dat Kayserrike van den Dudeschen brachte, vgl. s. 237. How entirely his whole policy was directed by the King of France is plain from his letters to him, Oberbaierisches Archiv. I. 52. 54. 70.

<sup>6</sup> Compare Buchner, v. 323. F. Kurz Oesterreich unter K. Friederich d. Schönen, Linz, 1818, s. 223.

<sup>7</sup> The Bull of 8th Oct., 1323 (*Processus primus contra Lud.*), is in Raynald. ad h. a. no. 30, more fully in Herwart, i. 194, and in Martene et Durand Thes. Nov. Anecd., ii. 644: Ludovicus a nobis, ad quem suae electionis—ac personae ipsius examinatio, approbatio, ac admissio, repulsio quoque et reprobatio noscitur pertinere, electione praedicta nequaquam admissa, nec ejus approbata persona,—Romanorum Regni nomen sibi et titulum regium usurpavit; quamvis priusquam alterutrius eorum per sedem apostolicam fuisset approbata vel reprobata persona, neutri electorum ipsorum assumere licuit nomen et titulum praelibatum: cum nec interim Romanorum Reges existant, sed in Reges electi.—Idem etiam Ludovicus—ad administrationem jurium Regni et Imperii praedictorum, in gravem Dei offensam et contemptum, ac manifestam injuriam Romanae Ecclesiae matris suae, ad quam ejusdem vacationis tempore Imperii regimen, sicut et in praesentiarum vacat, pertinere dignoscitur, necnon et plurimorum scandalum et rei turbationem ac laesionem publicae, ac suae animae detrimentum prosilire, seque illi immiscere irreverenter ac indebite praesumpsit hactenus et praesumit.—Ejusdem insuper Ecclesiae Romanae hostibus, sicut Galeacio de Vicecomitibus (Galeazzo Visconti, son and successor of Matteo) et ejus fratribus, quamvis sint de crimine haeresis—condemnati,—se exhibere factorem et defensorem—non est veritus nec veretur. Nos itaque—praefatum Ludovicum—praesentium tenore monemus, eidem sub virtute sanctae obedientiae, ac excommunicationis poena, quam ipsum, nisi cum effectu hujusmodi monitioni nostrae paruerit, incurrere volumus ipso facto, auctoritate apostolica nihilominus injungentes, ut infra trium mensium spatium, a data praesentium computandum,—ab administratione, factoria et defensione praedictis prorsus absterneat ac desistat; quodque gesta per eum post praesumptum ab eo titulum memoratum circa praemissa, quatenus processere de facto (cum de jure non teneant, velut ab ipso, cui jus faciendi non com-

firmation; and when, on the other hand, Lewis derived his rank from the choice of the electoral princes,<sup>8</sup> the hostile Pontiff pro-

petebat nec competit), attentata, curet infra praedictum terminum, quantum patietur possibilitas, realiter revocare. Then follows a command to all vassals of the Empire, sub poenis excommunicationis in personas, et interdicti in terras eorum, necnon privationis privilegiorum quorumcunque Apostolicorum et imperialium, ac feudorum, quae ab Ecclesia vel Imperio obtinent, to render Lewis neither obedience nor assistance. Lastly: Ut autem hujusmodi processus noster ad ipsius Ludovici—notitiam deducatur, chartas sive membranas processum continentes eundem in Ecclesia Avenionensi appendi vel affigi ostiis seu superliminaribus ejusdem Ecclesiae faciemus, quae processum ipsum suo quasi sonoro praeconio et patulo indicio publicabunt; ut idem Ludovicus et alii, quos processus ipse contingit, nullam possint excusationem praetendere, quod ad eos non pervenerit: cum non sit verisimile, quoad ipsos remanere incognitum,—quod tam patenter omnibus publicatur. As to the method of publication introduced by Boniface VIII. see Div. 2, § 59, note 33.

<sup>8</sup> The Protest of Lewis before a notary and witnesses at Nuremberg, 16th December, 1323 (in Herwart, i, 248, in Oleneschlager's Urkundenb. s. 84).—A tempore, cujus non est memoria, circa electos Romanorum Reges et Principes sic est de jure et consuetudine observatum,—quod Romanus Rex eo solum, quod electus est a Principibus Electoribus—omnibus vel majori numero eorundem, et coronatus corona regia in solitis locis et consuetis, Rex est,—ac jura Regni libere administrat.—Nec concedimus, ita simpliciter, ut proponitur, ad sedem apostolicam examinationem, admissionem et approbationem electionis et personae nostrae, [aut] repulsionem et reprobationem pertinere, sicut asserit. Sed si, quod non credimus, pertineret, hoc unum demum sibi locum vendicare forte posset, si per querelam, vel per viam supplicationis, appellationis vel provocationis, vel alio modo ad ipsam sedem fuisset devolutum ipsum negotium vel deductum; quae locum non obtinent in praesenti: vel si forte, petitis per nos infulis imperialibus vel denominatione nostra, ex causis legitimis jure scriptis, quas ad nos locum non credimus habuisse, personam nostram contigisset exigente justitia refutari. Denominatio quippe personae vel electionis admissio habitae subsequenter nobis non jus, nomen vel titulum tribuissent, quae jam ex ipsa electione sortiti sumus, sed ea potius detexissent, approbassent, et latius commendassent.—Quod vero adjunxit, nos Galeazio de Vicecomitibus et ejus fratribus de haeresi condemnatis—defensionem exhibuisse, penitus nihil scimus. Nam si dicti Galeazius et fratres sui sunt de haeresi condemnati, nobis non innotuit.—Imo quem favorem aut defensionem eis—exhibuimus, et quomodo sint vel fuerint rebelles Ecclesiae, non videmus; aperte conjicimus, et per effectum operis cognoscimus, nonnullos rebelles nominari Ecclesiae, qui per fidem devotionis suae mollientibus contra statum et jura Imperii renitentur.—Sed—nos astringimus et offerimus—legitime probaturos, quod ipse est dissimulatio, defensor et fautor haereticae pravitate ejus, quae totam s. Ecclesiam inficit et conturbat, et a confessione retrahit poenitentes.—Nam cum ad ipsius summi Pontificis audientiam gravibus et frequentibus Archiepiscoporum, Episcoporum—querimoniis sit deductum—contra—Fratres Minores,—quod ipsi sint secretae confessionis proditores, et peteretur ab eo, ut hoc—emendaret; ipse tanquam tergiversando, dissimulando et celando morbum hujusmodi—curare—non curavit, dictis Fratribus in hac parte s. Romanae Ecclesiae et fidei catholicae inimicis constituens se fautorem. Caeterum—ipse contra divinae dispositionis ordinationem, per quam in firmamento Ecclesiae militantis duo magna luminaria Deus fecit, pontificalem videlicet auctoritatem et imperatoriam majestatem, illud ut praecisset diei, spiritualia disponendo, alterum ut praecisset nocti, temporalia judicando, manifeste nititur luminaris alterius, potestatis scilicet radios saecularis suffocare: unde in confusionem et errorem sancta reponetur Ecclesia, causabuntur haereses, ingentur lites, suscitabuntur scandala, et Ecclesia Romana, carens praeposito advocato, resistere non poterit insurgentibus ex adverso. Nos igitur,—sentiens, nos et jura Imperii et nostra, sanctam professionem catholicam, sanctam Romanam Ecclesiam ex praedictis processibus—graviter et enormiter—aggravatos esse;—a processibus dicti

nounced sentence of excommunication upon him (21st March, 1324).<sup>9</sup>

Thus the insatiable Papacy began once more the war against the Empire, in order to rob the German crown of its remaining lustre by means of newly devised rights, and to crush one of the best of the German Emperors. Public opinion, once the most dangerous ally of the Papal See, was now, however, especially at first, rather against than for the unrighteous usurper. The jurists were the natural allies of the Emperor;<sup>10</sup> not all even of the can-

Pontificis manifeste iniquis—sanctam sedem apostolicam—appellamus.—Cum vero propter praemissos articulos—opus sit convocacione concilii generalis, instanter et cum omni devotione ipsum, quam primum commode poterit, ad locum communem et aptum petimus congregari.

<sup>9</sup> The *Processus secundus* of 9th January, 1324 (in Martene et Durand *Thes. Anecd.* ii. 647), contains nothing more than a confirmation of the first, and a further respite of two months. The *Processus tertius* of 21st March, 1324 (in Martene, l. c. p. 652. Olen-schlager, in the work quoted above, s. 96): Nos adhuc volentes cum eodem electo uti potius mansuetudine quam rigore,—per infra scriptum modum duximus ordinandum, videlicet quod ad publicationem sententiae excommunicationis,—in qua idem electus propter suam in praedictis inobedientiam et contemptum incidisse dignoscitur, procedentes, ab aliarum poenarum publicatione, in quas similiter incidit, supersedeamus ad praesens. Then Lewis was ordered, sub poena privationis omnis juris, si quod sibi ex sua electione—quoquomodo competit, to render obedience within three months: ac insuper infra dictum terminum per se vel procuratorem—compareat coram nobis, super dictis excessibus—definitivam sententiam et beneplacitum, quantum officium nostrum patitur, auditurus, ac alias facturus et recepturus quod justitia suadebit. The threats issued in the first process against his adherents were repeated. Et licet contra civitates, communitates, universitates, et singulares personas alias, quae in praedictis vel circa ea forsitan deliquerint,—ad debitam impositionem poenarum propter hoc fuisset merito procedendum, tamen de apostolicae sedis gratia adhuc providimus expectandum. All persons, however, who from this time forward should continue to render obedience or assistance to Lewis, were, ipso facto, to incur excommunication or interdict, from which the Pope only could absolve them.

<sup>10</sup> The great jurist, Bartolus de Saxoferrato (in Bologna, † 1356), in his *Comm. super secund. partem ff. novi* (in *Dig. lib. xlix. tit. 15, de captiv. et de postlim. l. 24*), demonstrates in detail the universal monarchy of the Emperor, and concludes: si quis diceret, dominum Imperatorem non esse dominum et monarcham totius orbis, esset haereticus: quia diceret contra determinationem Ecclesiae (comp. *Div. 2, § 59, note 81*), et contra textum s. Evangelii, dum dicit: *Exiit edictum a Caesare Augusto, ut describeretur universus orbis*, ut habes *Luc. ii. vel. iii. cap. et ita etiam recognovit Christus Imperatorem ut dominum*. But comp. ad *Dig. lib. xlviii. tit. 17, de requir. reis l. 1, § 2*. Praesides: Dantes—in uno libro, quem fecit, qui vocatur, *monarchia*—disputavit tres quaestiones, quarum una fuit, an imperium dependeat ab Ecclesia, et tenuit, quod non: sed post mortem suam quasi propter hoc fuit damnatus de haeresi. Nam Ecclesia tenet, quod Imperium dependeat ab Ecclesia pulcherrimis rationibus, quas omitto, tenendo istud, quod imperium dependeat ab Ecclesia. The following passage is characteristic; it is on the question, whether Henry VII. could summon Robert, and on the Bull *Pastoralis* (§ 98, note 18): Cynus (Bartolus's teacher, † 1341), disputavit istam questionem Senis, et dicit, quod ista citatio potest fieri.—Sed ad illam decretalem dicit ipse: *non potest dari responsum in pace, sed pertranseat cum aliis erroribus Canonistarum*. Ita dicit ipse. Ego consuevi tenere illam decretalem, *tamquam existens in terris Ecclesiae*, dicens eam esse veram de jure. Nam, etc. Thus the Papal jurist makes the universal monarchy of the

onists were able to keep pace with the bold encroachments of Papal claims.<sup>11</sup> The sense of justice among the German people

Emperor to be dependent upon the Pope, as Boniface VIII. did (Div. 2, § 59, note 81).—Albericus de Rosate is worthy of consideration (from Bergamo, † 1354). In his *Lectura super Cod.* he argues indeed very rationally against the universal monarchy claimed by the Emperor, *ad Cod.* lib. 1. t. 1. l. 1, no. 7; but afterward, *ad l.* 7. § *Gloriosissimo*, no. 6, he declares: *Quidquid ergo dicatur, credo potestates esse distinctas, ut unus praesit in spiritualibus sc. Papa, alter in temporalibus.* He enlarges most fully on the relations of the Papal and Imperial power, *ad Cod.* lib. vii. tit. 39: *De quadrienni praescriptione*, l. 3, *Bene a Zenone.* Here are some remarkable reminiscences from earlier times, e. g. *omnes Clerici et Ecclesiae antiquitus suberant Imperatori.*—Eodem modo posset dici de electione Papae, nam olim eligebatur per Imperatorem.—Et ista forte privilegia perdidit Imperium de facto potius quam de jure, propter longam vacationem ejusdem et potentiam et prudentiam summorum pontificum et aliorum praesidentium Romanae Ecclesiae. In fine: Nunc illam duram et subtilem quaestionem aggredior, utrum Imperator ex sola electione concordi vel a majori parte facta dicatur versus Imperator, et omnimodam administrationem et potestatem habeat circa privilegia concedenda et omnia alia, an vero indigeat confirmatione, unctione, examinatione, coronatione Papae. After unfolding in detail the reasons for and against, he proceeds: *Quid ergo in tanta jurium Doctorum et glossarum varietate tenebimus? Dominus Oldradus* (de Ponte, *Advocatus consistorialis*, and much employed by John XXII. † 1320), *sequebatur opinionem, quod administrare non posset.*—In eadem opinione fuit *Ostiensis* (Henricus Card. Ostiensis, canonist about 1260), and other canon-lawyers. Contrariam opinionem tenuit *Jacobus de Arena* (about 1280, Prof. juris in Padua), qui hanc quaestionem publice disputavit, et cujus disputationem inseruit hic Cynus (jurist at Bologna and Perugia, † 1341), qui eandem opinionem clare hic sequitur. Eandem opinionem sequitur *Guillelmus Naso* (from him are *glossae ad Decretales*; see Savigny's *Gesch. d. Röm. Rechts im Mittelalter*, iii. 583, 585),—qui dicit quod eligendo confirmatur, sicut dominus Papa,—quia sacerdotium et imperium parum discrepant. Et tenet, quod privilegia per eum concessa valeant etiam si cassaretur ejus electio. Hanc etiam opinionem sequitur *Innocentius* (IV. who had written a *Comm. in Decretales Pontificum*), *d. c. Venerabilem* (Decr. Greg. i. 6, 34), in glossa art. *quod sicut potest*, ubi haec verba ponit: *Credimus tamen, quod, si Imperator coronam in loco debito recipere non possit, nihilominus auctoritate ministrandi ab Archiepiscopo Coloniensi posset recipere, vel sua auctoritate, quam habet ex electione.* Haec ibi. Et hanc opinionem verioremi puto per jura et rationes ad hoc adductas, et maxime auctoritate dicti domini *Innocentii* et aliorum hoc tenentium. Alias sequeretur maxima absurditas, quod cum Imperium et Imperatores fuerunt ante Papam,—et multo etiam tempore Papae fuerunt non confirmati nec coronati ab eo, immo eligebant Papam, ut praedictum est, videretur, quod gesta per eos non valissent, et sic leges civiles et multa subverterentur. Hanc etiam opinionem sequitur quidam magister *Joannes Parisiensis* (Div. 1, § 59, note 36), et *Dantes de Florentia* (above, § 98, note 14).—De hoc fuit magna concertatio tempore *Joannis XXII.* et successoris sui *Benedicti XII.* inter eos et dominum *Ludovicum de Bavaria*, electum in Imperatorem. *Et me existente tunc in Romana curia, audivi magnos Praelatos et etiam laicos, utrosque jurisperitos, in hanc opinionem inclinare tamquam verioremi.*—Praesidentes Romanae Ecclesiae eorum astuta et sagaci prudentia secundum temporum varietatem sua variaverunt statuta, modo Imperium sublimando, modo paulatim deprimendo de tempore in tempus: sed considerato initio cujuslibet puto potestates fuisse distinctas, et si quaelibet fuisset contenta suis limitibus, et una alteram coadjuvasset, sicut facere tenentur, puto, quod pax esset in universo orbe.

<sup>11</sup> *Hermannus Januensis*, about 1348, in the continuation of *Martini Minoritae Flores Temp.* (in *Eccardi Corpus Hist. Medii Aevi*, i. 1638): *Papa anno 1323 Ludovicum excommunicavit, etc.*—Isti processus a quibusdam stricte servabantur; a multis vero quasi invalidi nihil curabantur, quia Bononiae et Parisius, ut dicitur, examinati a Doctoribus Theologiae et utriusque juris judicabantur penitus nil valere. Cf. *Albericus a Rosate*, note 10.

decided more readily for Lewis,<sup>12</sup> as it continually became more plain that the Pope had no other end in view than the elevation of the King of France to the Imperial throne.<sup>13</sup> But the taint of heresy had no less influence upon popular feeling: the active Minorites, persecuted by the Pope, and seeking refuge under the Emperor, cast this imputation upon the former.<sup>14</sup> The authors who now came forward on the Emperor's side, Marsilius of Padua († after 1342), physician in ordinary to the Emperor, and John of Jandun († after 1338),<sup>15</sup> advancing far beyond the empty formal-

<sup>12</sup> How entirely this sense of justice spoke for Lewis is manifest from the fact, that it declared itself even in the form of revelations. Thus the infant Jesus appeared to Margaretha Ebner, a Dominican nun in the monastery of Medingen, in Dillingen, who had often received revelations, and said, "Ich will ihn nimmer verlassen, denn er hat Lieb zu mir, das entbeut ihm." At another time it was said to her, that he should overcome his enemies: and, lastly, that he was undergoing great chastisement, but should not fall of eternal life; see Jo. Heumanni Opuscula, quibus varia juris germ. itemque historica et philologica argumenta explicantur (Norimb. 1747. 4), p. 340.

<sup>13</sup> The German princes were summoned to meet at Bar sur Aube in June, 1324, to depose Lewis, and elect King Charles of France. But only Leopold, Duke of Austria, brother of the imprisoned Frederick, made his appearance, and received several promises in return for his engagement zealously to further Charles's design, for instance a promise of help in the reconquest of Schwyz and Unterwalden (see the deeds in F. Kurz Oesterreich unter K. Friedrich d. Schonen, Linz, 1818, s. 482), comp. Villani, l. ix. c. 267. Albertus Argentin. p. 123. Kurz, in the work quoted above, s. 283. Buchner's Gesch. v. Baiern V. 352.

<sup>14</sup> To wit, because of his decision issued in 1323, haereticum esse, pertinaciter affirmare, Christum ejusque Apostolos in speciali non habuisse aliquam, nec in communi etiam. See below in the history of the Franciscans.

<sup>15</sup> According to Albert. Mussatus in Lud. Bav. (Murat. x. 773), Lewis's advisers, quorum consiliis potissimum fruebatur, were *Marsilius de Raymundinis*, civis Paduanus plebejus, philosophiae gnarus et ore disertus (he is generally believed to have died in 1328; he was, however, mentioned among the living in Ludov. ep. ad Bened. XII. in Raynald. ann. 1336, no. 86, and there is no reason for disclaiming for him the work, De Jurisdic. Imp. in Causis Matrim. published in 1342, see below, § 100, note 18), and Ubertinus de Casali, Januensis Monachus, vir similiter astutus et ingeniosus (see Div. 2. § 70, note 14). Besides these there were Johannes de Janduno (called by mistake do Gandavo, or von Gent; see Oudin. Comm. de Scriptt. Eccl. iii. 883) and Ulrich Hangenor (Mag. Ulricus de Augusta), private secretaries to the Emperor. The principal work: Defensor Pacis (in Goldast. Monarchia, ii. 154), the joint composition of Marsilius and John, belongs to this period: also Marsilius's Tract. de Translatione Imperii (ibid. p. 147) and John's Tract. de Potestate Ecclesiastica (Ms. bibl. Colbert, see Oudin. l. c. p. 884). The Defensor Pacis, divided into three dictiones or partes, treats, in the first part, of the origin and aim of the state; in the second, of the relations between the secular and sacerdotal powers; and in the third, gives 41 conclusions from the foregoing treatises; cf. *concl. i.*: Solam divinam s. canonicam scripturam, et ad ipsam per necessitatem sequentem quancunque ipsius interpretationem, ex communi concilio fidelium factam, veram esse et ad aeternam beatitudinem consequendam necesse credere, si alicui debite proponatur. II. Legis divinae dubias definire sententias—solum generale concilium fidelium—debere, nullumque aliud partiale collegium aut personam singularem, cujuscunque conditionis existat, jam dictae determinationis auctoritatem habere. III. Ad observanda praecepta divinae legis poena vel supplicio temporali—nemo evangelica scriptura compelli praecipitur. IV. Solius novae legis divinae praecepta, vel ad ipsa per necessitatem sequentia,

ism of the jurists, maintained opinions of unprecedented boldness, which made the people rather mistrustful of the imperial cause

et quae secundum rectam rationem fieri aut omitti convenit, propter aeternam salutem necesse servari, antiquae vero legis nequaquam omnia. V. In divinis novae legis praeceptis aut prohibitis neminem mortalem dispensare posse: permessa vero prohibere, obligando ad culpam aut poenam pro statu praesentis saeculi vel venturi, solum posse generale concilium, aut fidelem legislatorem humanum. VI. Legislatorem humanum solum civium universitatem esse, aut valentiorum illius partem. VII. Decretales vel Decreta Romanorum aut aliorum quorumlibet pontificum, communiter aut divisim, absque concessione legislatoris humani constituta, neminem obligare poena vel supplicio temporali. VIII. In humanis legibus solum legislatorem vel illius auctoritate alterum dispensare posse. X. Cujuslibet principatus aut alterius officii per electionem instituendi, praecipue vim coactivam habentis, electionem a solius legislatoris expressa voluntate pendere. XV. Super omnem singularem personam mortalem, cujuscunque conditionis existat, atque collegium laicorum ac clericorum, auctoritate legislatoris solummodo Principem jurisdictionem tam realem quam personalem coactivam habere. XVI. Excommunicare quenquam, aut divinarum officia interdicerere absque fidelis legislatoris auctoritate nulli Episcopo vel sacerdoti aut ipsorum collegio licere. XVII. Omnes Episcopos aequalis auctoritatis esse immediate per Christum, neque secundum legem divinam convinci posse in spiritualibus aut temporalibus praeesse invicem vel subesse. XVIII. Auctoritate divina, legislatoris humani fidelis interveniente consensu seu concessione, sic alios Episcopos communiter aut divisim excommunicare posse Romanum Episcopum, et in ipsum auctoritatem aliam exercere, quemadmodum e converso. XIX. Conjugia—divina lege, nova praesertim, prohibita per mortalem neminem dispensari posse; humana vero lege prohibita ad solius legislatoris vel per ipsum principantis auctoritatem pertinere. XXI. Ad ecclesiasticos ordines promovendos, ipsorumque sufficientiam judicare judicio coactivo, ad solum legislatorem fidelem spectare, ac sine ipsius auctoritate quenquam promovere ad hoc cuiquam sacerdoti vel Episcopo non licere. XXII. Numerum Ecclesiarum sive templorum, ac in ipsis ministrare debentium sacerdotum, diaconorum, et reliquorum officialium ad solum principantem secundum leges fidelium pertinet mensurare. XXVII. Ecclesiasticis temporalibus, expleta sacerdotum et aliorum Evangelii ministrorum, et his quae ad cultum divinum pertinent ac impotentum pauperum necessitate, licite ac secundum legem divinam pro communibus seu publicis utilitatibus aut defensionibus uti posse legislatorem humanum totaliter et in parte. XXXIII. Generale Concilium aut partiale sacerdotum et Episcoporum ac reliquorum fidelium per coactivam potestatem congregare, ad fidelem legislatorem aut ejus auctoritate principantem in communitatibus fidelium tantummodo pertinere, nec in aliter congregato determinata vim aut robur habere. According to Concl. XXXII. a general council alone could constitute and abolish metropolitan sees, and, according to Concl. XXXV., canonize saints; thus also Concl. XXXVI.: Episcopis aut Presbyteris aliisque templorum ministris si uxores interdicerere convenit, reliqua quoque circa ecclesiasticum ritum, per generale solum fidelium Concilium id statui et ordinari; et illud solum collegium, aut personam in hoc cum praedictis dispensare posse, cui data fuerit ejus auctoritas per Concilium supra dictum. Concl. XXXVII. A judicio coactivo, Episcopo vel sacerdoti concesso, semper ad legislatorem contententem (*leg. concedentem*) liceat appellare, vel ad ejus auctoritate principantem. Concl. XL. Legislatorem fidelem, aut ejus auctoritate principantem in subjecta sibi provincia compellere posse tam Episcopos quam reliquos evangelicos ministros, quibus de sufficientia victus et tegumenti provisum est, ad divina officia celebranda et sacramenta ecclesiastica ministranda. The historical elucidations of the origin of the hierarchy are remarkable, cf. P. II. c. 15, p. 239: Haec nomina, *Presbyter* et *Episcopus*, in primitiva Ecclesia fuerunt synonyma, quamvis a diversis proprietatibus eidem imposita fuerint. Nam *Presbyter* ad aetate nomen impositum est, quasi senior; *Episcopus* vero a dignitate seu cura super alios, quasi superintendens. Proofs are given from Jerome. Phil. i. 1, etc.; see vol. i. Div. 1, § 30, note 1.—Post haec autem Apostolorum tempora numero sacerdotum notabiliter aucto ad scandalum et schisma

than favorably inclined toward it. It was their merit to have

evitandum elegerunt sacerdotes unum ex ipsis, qui alios dirigeret et ordinaret, quantum ad ecclesiasticum officium et servitium exercendum et oblata distribuendum, ac reliqua disponendum convenientiori modo, ne istud quolibet pro libito faciente oeconomia et servitium templorum turbaretur propter affectionum diversitates. Hic siquidem electus—ex posteriorum consuetudine retinuit sibi soli nomen *Episcopi*, quasi superintendentis. —Verum jam dicta electio seu institutio per hominem—nihil amplioris meriti essentialis seu sacerdotalis auctoritatis—tribuit, sed solum ordinationis oeconomicae in domo Dei seu templo potestatem quandam, alios sacerdotes—ordinandi et regulandi, quomodo Priori datur potestas in monachos.—Et ideo secundum veritatem et intentionem Hieronymi non aliud est Episcopus quam Archipresbyter. *Cap. 16* demonstrates, Apostolorum neminem ad alios habuisse praeeminentiam from *Luc. xxii. 19*; *Jo. xx. 21, 22*; *Gal. ii. 6-9*. Nullam ergo potestatem, eoque minus coactivam jurisdictionem habuit Petrus a Deo immediate super Apostolos reliquos, neque instituendi eos in officio sacerdotali, neque segregandi eos seu mittendi ad officium praedicationis, nisi quod hoc sane concedi potest, ipsum fuisse priorem alii aetate vel officio fortasse secundum tempus, aut Apostolorum electione, qui eum propterea reverebantur merito, quamvis hanc electionem ex Scriptura nemo convincere possit. Signum autem, verum esse quod diximus, est, quoniam b. Petrum nullam sibi assumpsisse singulariter auctoritatem supra reliquos Apostolos invenimus ex Scriptura, sed magis cum ipsis aequalitatem servasse. For proof see *Acts xv.*—Sicut Petrus Antiochiae legitur electus in Episcopum per fidelium multitudinem, aliorum Apostolorum confirmatione non indigens, sic et Apostolorum reliqui praefuerunt in aliis provinciis absque Petri scientia, institutione, vel consecratione aliqua: fuerant enim per Christum consecrati sufficienter. Propter quod similiter opinandum, horum Apostolorum successores non indiguisse aliqua confirmatione successorum Petri: quinimo multi successores aliorum Apostolorum fuerunt electi et instituti Episcopi rite, ipsorumque provincias sancto rexerunt absque alia institutione vel confirmatione de ipsis facta per successores Petri. Et extitit hoc sic legitime observatum usque quasi ad tempora Constantini Imp.—Quod si tamen Apostoli b. Petrum tanquam sibi Episcopum elegissent; non tamen ex hoc sequeretur, quod ipsius successores in Romana sede vel alia, si alibi fuit Episcopus, hanc prioritatem habeant super aliorum successores, nisi a reliquorum successoribus eligerentur ad hoc: majoris enim virtutis fuerunt aliqui successores aliorum quibusdam successoribus Petri.—Rursum cur magis conveniret hoc successoribus ejus in sede Romana, quam in Antiochena vel Hierosolymitana vel alia, si Episcopus in pluribus extitisset? Amplius quilibet Episcopus quantum ad intrinsecam dignitatem—indifferenter successor est cujuslibet Apostoli, et ejusdem meriti sive perfectionis quantum ad dignitatem praedictam sive characterem, quoniam omnes hunc habent eundem ab uno efficiente—Christo, non ab eo qui manus imposuit.—Jam dictis autem audiri desuetis mirabilius est, quia desuetum amplius et inopinabile fortassis videbitur, si non falsum: quod ex certo Scripturae testimonio convinci potest, Romanos Episcopos magis esse successores, quantum ad provinciam et gentem, Apostoli Pauli quam Petri.—Cum per Scripturam constet evidenter, Paulum Romae fuisse biennio, et ibidem omnes suscepisse gentiles converti volentes,—constat ipsum fuisse Romanum Episcopum specialiter.—De beato vero Petro—dico per Scripturam sacram convinci non posse, ipsum Romanum Episcopum, et quod amplius est, ipsum unquam Romae fuisse.—Sed per Scripturam sacram indubitanter tenendum, b. Paulum fuisse Romanum Episcopum, et si quis alter cum ipso Romae fuerit, tamen Paulum singulariter et principaliter—fuisse Rom. Episcopum, b. vero Petrum Antiochiae, ut apparet ad *Gal. ii*: Romae vero non contradico, sed verisimiliter teneo, ipsum in hoc non praevenisse Paulum, sed potius e converso.—*Cap. 18, p. 251. Unde Romanus Episcopus et Ecclesia—super caeteros sibi quendam primatum assumpsit.*—Nemo Episcoporum per omne tempus illud (until the time of Constantine) in alios Episcopos coactivam jurisdictionem exercuit. Quamvis tamen aliarum provinciarum Episcopi plures, in quibus dubitabant, tam de Scriptura sacra, quam de ritu ecclesiastico, non audentes se publice congregare, consuluerunt Episcopum et Ecclesiam fidelium existentem Romae,



furnished their own and the following age with plentiful materi-

propter majorem ibidem forte fidelium multitudinem et magis peritiosam, eo quod studia scientiarum omnium tunc multum Romae vigeant.—Unde etiam provinciarum aliarum fideles, sufficientia personarum carentes, ad ipsorum Ecclesias gubernandas ab Episcopo et Ecclesia Romana fidelium postulabant personas sibi ad episcopatum praeficiendas, eo quod Ecclesia fidelium Romae personis talibus, ut jam diximus, amplius abundabat. Episcopi vero et Ecclesia Romanorum sic requisiti—charitative atque fraterne subveniebant in his; ordinationes, quas super ecclesiasticum ritum sibi fecerant, aliis communicando provinciis, et quandoque etiam in aliis provinciis contentionem aut schisma fidelium inter se audientes charitative monendo. Haec autem aliarum provinciarum, Ecclesiae grate suscipiebant.—Hoc etiam modo vel consimili quasi suscepit a Graecis Romanus populus gratuite non coacte leges quasdam vocatas decem tabularum. Ex jam dicta vero quasi consuetudinaria prioritatem, aliarum Ecclesiarum consensu spontaneo, Romanorum Episcopi—auctoritatem quandam decreta—constituendi super universalem Ecclesiam—sumpserunt usque ad tempora Constantini.—Constantinus vero—primus fuit Imperator, qui fidem Christi, ministerio b. Sylvestri tunc Papae Romani patenter adeptus est, et—Ecclesiae Romanae ac ipsius Episcopo tribuisse videtur auctoritates et potestates super alios Episcopos et Ecclesias omnes.—Cap. 22, p. 268; Post tempora vero Constantini I. et praecipue imperiali sede vacante hanc sibi deberi prioritatem quandoque lege divina, quandoque vero concessione Principum suis epistolis expresserunt Rom. Episcopi quidam.—Hanc etiam extendentes auctoritatem in omnes Episcopos et Ecclesias, populos et singulares personas, ad sententiam excommunicationis et interdicti divinarum officiorum—in supradictos fideles ferendum.—Sic etiam suis epistolis expresserunt, sibi convenire temporalium omnium ecclesiasticorum dispensationem.—Quibus etiam moderiores excessibus non contenti suis expresserunt epistolis sive decretis, auctoritatem sive jurisdictionem coactivam supremam super omnes mundi principatus—sibi lege divina debere; propter quod etiam ad suam auctoritatem pertinere dicunt, omnia mundi regna et principatus conferre ac auferre licite posse Regibus—ipsorum mandata transgredientibus, quamvis impia sint secundum veritatem et illicita saepe. Hoc autem inter caeteros Romanos Episcopos—octavus Bonifacius in tantum expressit et asseruit, ut hanc Romanis Episcopis debere potestatem decreverit ab omnibus credendum et confitendum esse de necessitate salutis aeternae (Div. 2, § 59, note 26). Cujus sententiam assecuti sunt successores ejus Clemens V. et—Joannes,—quamvis hoc solum explicitè videantur dicere de solo imperio Romanorum. Quod quia id asserunt innisi titulo supradicto, plenitudinis videlicet sibi datae potestatis a Christo, indubium est, potestatem hanc sive auctoritatem, si qua talis ex hoc sibi conveniat, omnia mundi regna et principatus ex aequo respicere. Cap. 26, p. 281, is on the origin of the Papal encroachments upon the empire: Voluerunt Romanorum Principum quidam citra tempora Constantini electionem de se factam amicabiliter signare Romanis Pontificibus, ut—per Pontificum intercessionem ampliorem benedictionem et gratiam ad suum gubernandum imperium obtinerent: eodemque aut consimili quasi modo—Romanorum quidam Imperatores diadema regum imponi sibi fecerunt per Romanos Pontifices: quam siquidem impositionem Pontifici Romano plus auctoritatis tribuere super Rom. Principem, quam Remensi Archiepiscopo super regem Francorum, quis dicet? Non enim conferunt hujusmodi solemnitates auctoritatem, sed habitam vel collatam significant. Ex hac quidem igitur reverentia sic sponte per Romanos Principes exhibita, quaerentes saepius quae non sunt, Episcopi Romani induxerunt consuetudinem et abusum verius, propter Principum simplicitatem, non modo dicam ignaviam, laudationem electae personae ac benedictionem, quam super illam mittebant, vocaliter aut in scriptis vocare confirmationem electionis praedictae. Nec attendentibus olim Romanis Principibus, quae sub hac appellationis figura praedictae latebat intentio, sic ipsam successive subinduxerunt latenter, nunc vero patenter Romani Pontifices, ut nullus quantumcunque convenienter electus in Romanorum Regem Rex vocari debeat, neque Regis Romanorum auctoritatem habeat aut exercent, nisi per Romanum Episcopum fuerit approbatus.—Non esset hoc aliud quam Romanum solvere principatum, et Principis creationem perpetuo prohibere.

als for reflection.<sup>16</sup> More useful, perhaps, to the Emperor were the Pope's advocates who opposed these writers, the Augustinian monk, Augustinus Triumphus, from Ancona († 1328),<sup>17</sup> and the

—Quid ergo aliud sibi tribuit auctoritatis Principum electio, quam nominationem, ex quo ipsorum determinatio ab unius solius alterius voluntate dependet? Tantam nempe septem tonsores aut lippi possent Romano Regi auctoritatem tribuere.

<sup>16</sup> Thus speaks the canon Closener († 1384) in his Strasburg. Chronik, s. 54: In den Ziten wart daz Buch gemacht, daz do heisset *Defensor pacis*: daz bewiset mit redelichen Sprüchen der heil. Geschrift, daz ein Bobest under eime Keiser sol sin, un daz er kein weltlich Herschaft sol han. Es bewiset ouch des Bobestes un der Cardinal Grit, un ire Hofart, un ire Symonie, die sū gewonlich tribent, un sich des beschonent mit falschen Glossen.

<sup>17</sup> *Summa de potestate ecclesiastica ad Joh. P. XXII.* (ed. Aug. Vind. 1478, Colon. 1475, Romae, 1582, fol.), divided into three Parts and 112 quaestiones. Qu. 1, art. 1: Sola potestas Papae est immediata a Deo.—Habet omnem potestatem saecularem iudicare et deponere, si non bona est.—Et si inveniatur, quandoque aliquos Imperatores dedisse aliqua temporalia summis Pontificibus, sicut Constantinus dedit Sylvestro: hoc non est intelligendum, quod suum est, sed restituerunt, quod injuste et tyrannice ablatum est (cf. Qu. 43, art. 3).—Omnis potestas Imperatorum et Regum est subdelegata respectu potestatis Papae. Qu. 18, art. 1: Major est jurisdictio Papae quam cujuslibet angeli.—Papae totius mundi jurisdictio et cura commissa est,—quod super caelum et terram jurisdictionem accepit. Qu. 22, art. 3: Magis tenentur laici subditi obedire Papae, quam Imperatori vel Regi.—Tota machina mundialis non est nisi unus principatus: princeps autem totius principatus mundi est ipse Christus, cujus Papa vicarius existit juxta illud Dan. vii.—Si aliud mandat Papa, et aliud Imperator, obedendum est Papae et non Imperatori. Qu. 23, art. 1: Pagani jure sunt sub Papae obedientia.—Vicarius Christi est Papa, unde nullus potest se subtrahere ab ejus obedientia de jure, sicut nullus potest de jure se subtrahere ab obedientia Dei. Qu. 35, art. 1: Papa per se ipsum Imperatorem potest eligere.—Imperator est minister Papae eo ipso quod est minister Dei.—Est autem principaliter agentis, eligere ministros et instrumenta ad suum finem.—Unde puto, quod Papa, qui universos fideles in praesenti Ecclesia ad pacem habet ordinare, et ad supernaturalem finem consequendum dirigere et destinare, justa et rationabili causa existente per se ipsum possit Imperatorem eligere: ut propter eligentium negligentiam et discordiam, aut propter electi bonitatem et condecenciam, vel propter populi Christiani pacis providentiam, seu propter coercendum haereticorum, paganorum et schismaticorum potentiam et audaciam. Posse enim Papae fulcitur debet esse veritate, justitia et aequitate: non enim potest adversus veritatem sed pro veritate, ut dicit Apostolus II. ad Cor. ult.—Art. 3. Sicut a sede apostolica potestas eligendi Imperatorem Electoribus est concessa, ita a praedicta sede potest eis auferri. Art. 6. Papa potest Imperatorem facere per haereditariam successionem sicut per electionem.—Qu. 37, art. 3: Auctoritate Papae Imperium a Romanis est ad Graecos translatum.—Constantinus hujusmodi translationem fecit auctoritate summi Pontificis, qui tanquam vicarius Dei filii, caelestis Imperatoria, jurisdictionem habet universalem super omnia regna et imperia.—Propter imperium ad Graecos post tempus Constantini translatum, Ecclesia ibi potestate et dignitate multum vigeat. Et ideo quatuor Concilia fuerunt ibi celebrata, quibus Imperatores sic se subjecerunt, quatenus per summum Pontificem approbarentur. Art. 4. Auctoritate Papae Imperium est translatum a Graecis ad Germanos. Art. 5. Auctoritate Papae Imperium potest a Germanis transferri ad alios.—Conditio Imperatoris a tempore Constantini multipliciter variata est. Nam tempore dicti Constantini Imp. eligebantur.—Qui modus servatus est usque ad tempora Michaelis Imp. et Caroli M. Postea institutio Imperii processit per successionem ad tertiam generationem puta usque ad tertium Ottonem, qui fuit nepos primi et filius filii. De istis enim non invenitur facta electio, sed sola provisio per summum Pontificem.—Gregorius V. convocatis Principibus Almaniae ordinavit electores Imperatoris officiales ipsius imperialis curiae. Qualitercunque tamen institutio

Imperii sit variata: nulli tamen dubium esse debet, quin summus Pontifex—Imperatorem possit eligere, quemcumque et undecumque sibi placet in auxilium et defensionem Ecclesiae. Qu. 38, art. 1: Per Papam Imperator electus debet confirmari.—Ad illum pertinet immediate Imperatoris confirmatio, ad quem pertinet Imperii immediata jurisdictio. Postquam enim Constantinus cessit Imperio occidentali nulla sibi reservatione facta,—plenum jus totius Imperii est acquisitum summis Pontificibus, non solum superioris dominationis, verum etiam immediatae administrationis, ut ex ipsis tota dependeat imperialis jurisdictio, quantum ad electionem et quantum ad confirmationem: ita ut ex tunc nullus de jure poterit se intromittere de regimine occidentalis Imperii absque expressa auctoritate et mandato sedis apostolicae, nisi usurpative et tyrannice, sicut fecit Julianus Apostata et multi alii. Art. 4: Papae Imperator electus debet fidem jurare.—Imperator assumitur in defensorem et protectorem Ecclesiae, potissime in partibus Italiae et in occidentalibus regionibus, in quibus Ecclesia non solum temporalium habet universalem jurisdictionem, sicut in toto orbe noscitur habere, verum etiam habet mediante ministro, quem elegit, immediatam administrationem. Talis ergo minister in tribus tenetur Ecclesiae fidelitatem servare: primo in ipsius Ecclesiae exaltatione, ut per rebelles et infideles Ecclesia non deprimatur, sed potius illis expugnatis juxta posse suum supra candelabrum ponatur; secundo in Ecclesiae pastoris et rectoris defensione; tertio in temporalium per Constantinum concessorum Ecclesiae conservatione, ut in talibus non praetendat aliquam immediatam jurisdictionem, sed solum immediatam administrationem. Et ista tria ponuntur in juramento fidelitatis, quod ipse Imperator summo Pontifici praestare tenetur. Qu. 39, art. 1: Imperator per solam electionem non potest administrare, nisi beneficium confirmationis recipiat. Qu. 40, art. 1: Papa potest Imperatorem deponere, art. 4: Imperatoris subditos a juramento fidelitatis absolvere. Qu. 41, art. 1: Ad Papam spectat Imperatoris electionem examinare. Qu. 44, art. 1: Absque Papae auctoritate Imperator non potest leges condere.—Omnis justa lex (quae secundum Augustinum si justa non est, non est lex) dependet a lege divina.—Illo ergo jure lex imperialis dependet ab auctoritate Papae, quo jure dependet a lege divina, cujus ipse Papa est vicarius et minister, potissime cum secundum Dionysium lex divinitatis hoc habeat, ut ejus influenza non transeat ad inferiora nisi per media. Medius autem inter Deum et populum Christianum est ipse Papa, unde nulla lex populo Christiano est danda, nisi ipsius Papae auctoritate; sicut nec aliqua lex fuit data populo Israelitico nisi mediante Moyse. Art. 4: Papa potest sua auctoritate leges imperiales corrigere. Qu. 45, art. 2: Papae subjiciuntur omnes Reges, quantum ad temporalium recognitionem.—Dicentes, Papam, vicarium Christi, in toto orbe dominium habere solum super spiritualia, non autem super temporalia, similes sunt consiliariis Regis Syriae, qui dixerunt, iii. Reg. 20: *Dii montium sunt dii eorum, etc.* Sic hodie mali consilarii adulatione pestifera seducunt Reges et Principes terrae, dicentes: dii montium, puta spiritualium donorum, sunt summi Pontifices, sed non sunt dii convallium, quia temporalium bonorum nullum habent dominium: ideo in campestribus et in potentia bonorum temporalium pugnemus contra eos et obtinebimus. Sed quid dicit eis divina sententia, audiamus: *quia dixerunt, inquit, Syri, deus montium est dominus, non deus vallium, dabo omnem multitudinem hanc in manu vestra, et scietis, quia ego sum Dominus.* Qu. 46, art. 2: Papa potest omnes Reges, cum subest causa, deponere. Art. 3: Papa potest in quolibet regno Regem instituere.—Sicut Deus est factor omnium regnorum et provisor, sic Papa vice Dei est omnium regnorum provisor. Unde cum causa rationabilis subest, in quolibet regno potest Regem instituere, sive sit causa ipsius Regis nequitia, ut dictum est supra de Rege Francorum, sive ipsius populi fraudulenta malitia, ut si in Regis mortem conspirarent, vel eum ejicerent,—vel quocumque alio modo causa justa et rationabilis subest ad Papam spectaret, illi regno de Rege providere. Qu. 61, art. 3: Papa non potest aliquos eximere a se ipso in temporalibus.—Apostolus ii. ad Tim. 2, dicit: *Deus fidelis est, et seipsum negare non potest.* Negaret autem seipsum, si eximeret aliquos a suo dominio temporali vel spirituali, quia tunc negaret, se esse dominum omnium tam temporalium quam spiritualium. Cum igitur Papa verus vicarius Dei sit, si aliquos eximeret a seipso in jurisdictione temporalium vel spiritualium, negaret, quod non esset verus Dei vicarius, et talis negatio in errorem Manichaeorum ipsum induceret, ponentium,

Franciscan, Alvarus Pelagius († after 1340),<sup>18</sup> who, heated by their boldness, proudly and fearlessly unfolded the newly erected political rights of the Pope with their most obnoxious results.

Under these circumstances, neither the Papal excommunication, which Lewis met without delay by an appeal to a General Council,<sup>19</sup> nor the interdict,<sup>20</sup> at once pronounced against Lewis's

ab alio principio spiritualia et ab alio temporalia esse producta. Unde non est dubium, quod si pro tali veritate testificanda Papa pateretur, verus Christi martyr esset censendus. To the plea: *consuetudo servanda est, et longo tempore approbata pro lege tenenda est, ut jurisconsultus dicit. Sed ab antiqua consuetudine fuit observatum in Ecclesia Gallicana, quod Praelati Franciæ non recognoscunt temporalia a Papa sed a Rege, et ipse similiter Rex a nullo temporalia recognoscit, he answers: consuetudo veritati et rationi contraria, quanto diuturnior tanto perniciosior et periculosior, nec consuetudo sed abusus dicenda est. Non enim dixit Christus, ut dicit Gregorius: Ego sum consuetudo, sed: ego sum veritas. Si vero potentia regalis vel imperialis allegatur, videatur, ut dicit Aug. quod factum sit de Nabuchodonosor, quomodo a regno depositus est et inter bestias connumeratus est, donec recognosceret, Deum caeli esse dominum universorum. Qu. 73, art. 3: Papa alicui potest concedere decimas Laicorum.—Jus naturalis propria facit communia in necessitate, jus vero divinum ex caritate, et jus civile ex reipublicae utilitate. Planum est autem, quod Papa est omnis juris interpret et ordinator, tamquam architector in tota ecclesiastica hierarchia vice Christi, unde quolibet jure potest, cum subest causa rationabilis, decimas laicorum, non solum subditorum, verum etiam Regum, Principum et Dominorum recipere et concedere pro Ecclesiae utilitate, ac eos, si noluerint dare, compellere.*

<sup>18</sup> His work, *De Planctu Ecclesiae*, lib. ii. (ed. Ulmae, 1474. Venet. 1560, fol.), composed at Avignon in 1330, and revised in 1340 by the author, at that time Bishop of Silves in Portugal, agrees entirely in principle with that of August. Triumphus; cf. lib. i. c. 13: quod jurisdictionem habet universalem in toto mundo Papa nedum in spiritualibus, sed temporalibus, licet executionem gladii temporalis et jurisdictionem per illum suum legitimum Imperatorem, cum fuerit, tanquam per advocatum et defensorem Ecclesiae, et per alios Reges et mundi Principes; et in patrimonio s. Petri et in regno Siciliae, quod est regnum Ecclesiae et patrimonium, — et in aliis terris Ecclesiae eam per suos rectores debeat exercere.—Cum animae corporibus sunt pretiosiores, et spiritualia temporalibus digniora; cui ergo commissae sunt animae et spiritualia, multo potius res sunt et corpora committenda.—Temporalia accessoria sunt ad spiritum, Matth. xvi.: *haec omnia* scil. temporalia *adjicientur vobis*: sed accessoria naturam habent principale sequendi. Accordingly, the Papal encroachments were defended against the Emperor Lewis, here styled only Bavarus schismaticus. Afterward, cap. 38: Quod Papa non tenetur se purgare de aliqua infamia, a quibuscumque exorta, bonis vel malis, si non vult. Cap. 34: Quod in hac vita, etiamsi injuriam vel injustitiam facit Papa alicui, non habet iudicem super se, nec tenetur eligere iudices vel arbitros. Cap. 36: Quod antea fuit Ecclesia, quam Imperium. Cap. 60 he introduces the Bull *Unam sanctam*. Cap. 68 is against the new Schismatici, especially against the haeresiarcha novellus Marsilius Padovanus.

<sup>19</sup> *Dd. Sachsenhausen* in April or May, 1324 (ed. Baluz. Vitae, PP. Aven. t. ii. p. 478): Nos Ludovicus Dei gratia Romanorum Rex semper Augustus proponimus contra Johannem, qui se dicit Papam XXII., quod inimicus sit pacis, et intendit ad discordias et scandala suscitanda.—Nam publice dicere dicitur, quod quando inter Reges mundi et Principes est discordia, tunc Papa est verus Papa, et timetur.—Maxime autem dicere dicitur, quod discordia Alamanniae—salus est et pax Romani Pontificis et Ecclesiae. Unde cum multiplicarentur in Almania, occasione diversarum electionem, caedes,—et sanguinis effusiones, proh dolor, innocentium; nunquam unam literam vel qualemcumque nuntium misit ad obviandum praedictis periculis atque malis, cum tamen multos habe-

faithful subjects, produced the desired effect in Germany.<sup>21</sup> The Pope's anger rose higher when Lewis was reconciled even to Frederick (March, 1325),<sup>22</sup> and when the latter, in defiance of all requisitions to the contrary,<sup>23</sup> fairly redeemed his plighted word;

ret in partibus Alamanniae exactores et collectores pecuniarum pro ipso, quibus hoc committere sine aliquo suo onere potuisset, si voluisset, vel sibi de hoc cura aliqua fuisset, ostendens se per hoc facere contra doctrinam et vitam et exemplum Christi, cujus vicarium se mentitur et dicit. After the rights of the Emperor, and the unfounded assumptions and political injustice of the Pope have been demonstrated, there follows a long and zealous refutation of the Papal assertion, Christum et Apostolos habuisse bona temporalia in communi eo modo, quo alia collegia habent, quod dictum est notorie haereticum, et profanum et contra Evangelii sacrum textum, which evidently proceeded from the pen of some persecuted Minorite. In conclusion: ad generale Concilium, quod instanter et cum instantia repetita in loco tuto nobis et nostris convocari petimus, et ad verum legitimum futurum summum Pontificem, et ad sanctam matrem Ecclesiam et apostolicam sedem, et ad alium vel ad alios, ad quem vel ad quos fuerit appellandum, provocamus et appellamus.

<sup>20</sup> Processus quartus of 11th July, 1324, in Martene et Durand Thes. Anecd. ii. 660: (Ludovicum) reputamus et declaramus merito contumacem,—omni jure, si quod sibi ex electione sua competere seu competiisse poterat, a Domino privatim denunciavimus,—de benignitate sedis apostolicae—supersedentes ad praesens a poenis aliis, quibus excessus praedicti ipsum reddiderunt obnoxium.—Personas ecclesiasticas,—quae contra—mandata nostra Ludovico praefato tamquam Regi—paruerunt vel adhaeserunt quomodolibet,—declaramus poenas suspensionis ab officio, ac excommunicationis sententias—incurrisse. Civitates autem, communitates,—ac singulares personas illarum, quae in praedictis—deliquerunt, declaramus, civitates—interdicti, singulares vero personas excommunicationis sententiis subjacere. Next Lewis was forbidden, sub poenis excommunicationis ac privationis feudorum, quae ab Ecclesia Romana vel aliis seu Imperio obtinet, ne deinceps se Regem Romanorum vel electum intitulet, and the first of October was peremptorily assigned him as the day on which he should answer for himself before the Pope.

<sup>21</sup> Compare the Papal briefs of the year 1324, in the Oberbaierische Archiv. f. vaterl. Gesch. Bd. 1 (München, 1839). According to s. 50, the townsmen of Liège and Strasburg wished their bishops to forbid the publication of the Processus. On the faithful adherence of Strasburg to Lewis, see Wencker Apparatus et Instructus Archivorum, Argent. 1713. 4., p. 194. According to s. 60, the Archbishop of Mayence, and s. 68, the Archbishop of Cologne, refused to publish it. The Pope, s. 81, required the city and diocese of Basle, with threats, to allow the publication; but Jo. Vitoduranus, p. 32: quidam clericus famosus a Papa Basileam dirigitur, ut quosdam processus frivolos ibidem promulgaret: qui statim de curia Monasterii summae Canoniae dictae Burg, eminenti et valde excelso loco, in fluvium Rhenum illic praeterfluentem praecipitatur. The Archbishop of Saltzburg, and the bishops of Freisingen and Passau, were obliged, as adherents of the Pope, to fly to Austria. Buchner's Gesch. v. Baiern, v. 360.

<sup>22</sup> See the compact in Gewold, p. 89, and Olenschlager, Urkundenbuch, s. 129. Frederick renounced all claim to the kingdom, and pledged himself to aid Lewis "wider allermeiniglich, swie sie genannt seyn, Pfaffen und Layen, und mit nahmen wider den, der sich Babst nennet,—dieweil er wider den Chünig und das Riche ist." Vgl. Kurs Oesterreich unter K. Friedrich d. Schönen, s. 304.

<sup>23</sup> Comp. Kurz, s. 819. The Pope wrote to Frederick dd. 4th May, 1325 (in Raynald. ad h. a. no. 2): Sane quia multorum habet opinio, quod in relaxatione hujusmodi ad multa Deo infesta, tibi que inexpedientia, et Rei periculosa publicae Te promissionibus,—juramentis ac poenis—dlexeris astringendum: nos super hoc de salubri providere remedio cupientes—ea ex officio nostro cassa et irrita, et nulla esse penitus declaramus;—Tibique

now the pretended vicegerent of Christ avenged himself by causing the March of Brandenburg, with which Lewis had shortly before enfeoffed his son,<sup>24</sup> to be laid waste by the neighboring tribes, chiefly by the heathenish Lithuanians.<sup>25</sup>

Lewis meanwhile established his ascendancy in Germany so firmly that he was able to turn his thoughts to an attack upon the Pope in Italy, his most assailable quarter (1327). John advanced in vain to the Fifth Process.<sup>26</sup> The outcry of heresy raised

*nihilominus—in virtute sanctae obedientiae ac sub excommunicationis poena—districtius inhibentes, ne ad ejusdem Ludovici Rebellis et excommunicati quoquo modo redire carcerem, aut sibi—obedire praesumas. He declared also that Frederick's rights rising from his election were restored (Raynald. l. c. no. 5): however, he proceeded secretly in his endeavor to procure the imperial crown for Charles IV. King of France. He wrote to him dd. 30th July, 1325 (l. c. no. 6): res sic sunt dispositae, ut regnum possit ad prius desiderium adimpleri.—Tepiditas regia multum negotio obfuit, quia et nos reddit et reddidit tepidos et morosos.—Excusatia circumspectio regia quaeso hunc torporem, et operetur, dum ad hoc intendat, dum dies est.*

<sup>24</sup> The Pope declared the investiture, which was made in 1323 (see the deeds in Ludewig reliqu. mss., ii. 262, x. 642), invalid, and charged the men of Brandenburg, in virtue of sanctae obedientiae, and under pain of ban and interdict, to renounce their allegiance to their new lord (Raynald. ann. 1322, no. 8).

<sup>25</sup> Jo. Vitoduranus in Thesaur. Hist. Helv. p. 32: De Johanne Papa execrabile factum fidelibus in perpetuum displicibile praecedentibus subnecto.—Nam in quibusdam Christianitatis, ut fertur, extremitatibus, Teutonicis cruciferis diffuse dominantibus, paganorum truculentam rabiem eos contingentium coërcentibus et refraenantibus, ne per suas invasiones et incursiones pestíferas fidelium terris, quantum gliscunt, nocere possint, dominus Papa in mandatis districtissime dedit, quatenus ipsos per terram suam liberum transitum habere sinerent, ut in vindictam et injuriam Imperatoris ad terram filii sui demolendam, vocatam Brandeburg, accessum habere possent. Qui jussioni papali contraire pertimescentes, inviti cum ejulatu, ut ita dicam, amarissimo pagani transitum pro suo libitu indulerunt. (Quidam ajunt, Papam haec demandasse Regi Graegogiae (i. e. Cracoviae), et quia sibi in hoc paruit, Regem eum fecit, qui ante Dux unus Poloniae fuit). Qui venientes ad terram praenominatam immanissima scelera auditu horribilia commiserunt. Armati enim in multitudine incredibili ex insperato ad terram memoratam supervenerunt bestiali mente, indomito ac agresti more ipsam vastantes: nec in hoc eis sufficit, quin etiam mulieres certatim temerarent coitu nefario; ipsis quoque mamillas absciderunt, Ecclesias diruerunt, Altaria destruxerunt, corpus Christi in scriniis super aris reconditum sustulerunt, et sibi lanceas suas infixerunt, blasphemando dicentes: Ecce Deus Christianorum in nullo se defendere valens.

<sup>26</sup> Processus quintus of 3d April, 1327, in Martene Thes. ii. 671: declaramus ipsum Ludovicum privatum feudis omnibus, quae a Romana Ecclesia, vel Ecclesiis aliis, seu ab Imperio obtinebat, et specialiter Ducatu Bavariae,—exponendis vel concedendis catholicis, si, prout, et quando, ac quibus vel de quibus sedes apostolica duxerit ordinandum, principalis domini jure salvo: vasallos quoque ipsius a juramento fidelitatis—expressius nunciantes eos absolutos. Et quia excommunicatus pro fautoria haereticorum excommunicationis sententiam sustinuit per biennium et ultra animo indurato, idcirco declaramus praefatum Ludovicum fore manifestum haereticorum factorem, ipsumque poenas omnes a canonibus inflictas talibus incurrisse (see Div. 2, § 89, note 22). About the same time dd. 9th April, 1327 (l. c. p. 692), several adherents of Lewis, especially Marsilius and Johannes de Janduno, were excommunicated by name. These two, however, were expressly declared heretics and outlaws, 23d October, 1328 (l. c. p. 704).

by the Minorites blunted his ecclesiastical weapons;<sup>27</sup> Lewis overran Upper Italy victoriously;<sup>28</sup> and while the Pope was ordering a crusade to be preached against him, he received the Imperial crown at Rome (17th January, 1328),<sup>29</sup> pronounced upon John sentence of dethronement,<sup>30</sup> and appointed a Franciscan to be Pope under the name of Nicolas V.<sup>31</sup>

<sup>27</sup> On 9th January, 1328, the secretary of the Bishop of Constance desired to publish this Papal Processus in Freiburg: "da erbaten ihn die Burgere fruntliche und liepliche, dass er dieselben Briefe willekliche und gerne hie ungekundet liess, und sie wieder hinan führte." Freiburger Rechtsbüchlein, in Schreiber's Urkundenbuch der Stadt Freiburg, i. 278.

<sup>28</sup> Villani, x. c. 15 ss. Albert. Mussati Ludov. Bavarus in Böhmer's Fontes Ber. Germ. i. 172.

<sup>29</sup> Dd. 21st January, 1328, in Martene Thes. ii. 716: Omnibus vere poenitentibus et confessis, qui dictum Ludovicum ejusque complices—expugnabunt, et super hoc per annum—laborabunt, Ecclesiae sequendo vexillum, *tam clericis quam laicis*,—illam concedimus veniam peccatorum, quae concedi—proficiscentibus in terrae sanctae subsidium consuevit, et in retributione justorum salutis aeternae pollicemur augmentum. Eos autem, qui non per annum integrum, sed per ipsius anni partem in hujusmodi Dei servitio laborabunt, juxta qualitatem laboris et devotionis affectum participes esse volumus indulgentias supradictae.

<sup>30</sup> 18th April, 1328. See Villani, x. c. 68. Ludovici IV. Imp. processus contra Jo. XXII. in Baluzii Vitae PP. Aven. ii. 512: Ludovicus Dei gratia Romanorum Imp. et semper Augustus ad perpetuam rei memoriam. Gloriosus Deus—nos, Ludovicum IV. Romanorum Imperatorem,—in Principem super haereditatem suam inunxit, ut de manibus inimicorum suum populum liberemus. Espropter ex imperiali celsitudinis debito excessus enormes Jacobi de Caturco, qui nunc se Papam Johannem XXII. licet mendaciter asserere non veretur, dissimulatione diuturniori nullatenus sufferre valentes—celeri cursu in Italiam venimus ad sedem nostram praecipuam, Romam videlicet, properantes. Then the Pope's offenses were enumerated, simony, instigation to rebellion (Ex quibus profecto evidenter agnoscimus, sacrum Imperium—per hunc *mysticum Antichristum*, qui se Papam nominat, si quod absit effrenis ejus rabies ultra procederet, irreparabiliter exterminari), the devastation of Brandenburg by heathens, especially usurpation of the chief temporal power against the doctrine of Christ (cui etiam Decretistae asserunt, dicentes, Papam non habere utramque jurisdictionem), non-residence at Rome. Quapropter cum hic praevaricator nefarius divinae dispositionis ordinem sacerdotio et imperio praestitum publice impugnaverit, statu sui vicariatus abutens enormiter, dum gladio sanguinis uti praecipit pro gladio spiritus, quod est verbum Dei; hinc est, quod zelo justitiae atque reipublicae,—auctoritate nobis in hoc casu caelitum ordinata contra quolibet fidei et veritatis sanctae matris Ecclesiae turbatores, praedecessorum nostrorum, videlicet Ottonis primi, qui cum clero et populo Romano Johannem XII. deposuit de papatu, et cum clero et populo de alio pastore urbi et orbi providit, et aliorum quamplurium Imperatorum vestigiis inhaerere volentes, ipsum Jacobum in haeresei deprehensum, cum ex facti evidentia, quia haereseim publice praedicat, perfectionem altissimae paupertatis in Christo penitus denegando,—quam ex confessione propria, ut liquet ex iniquis et temerariis vocatis processibus ab ipso contra sacrum Imperium in nostra persona factis,—eo quod indigne gerit et gessit vicariatus officium,—a Christo privatum esse—denunciamus, nostraeque imperialis auctoritatis sententia episcopatu Romano et universalis Ecclesiae Dei seu Papatu tenore praesentium privamus, et ab eodem deponimus in his scriptis, sententia lata de communi consilio—cleri et populi Romani, nostrorumque Principum et Ecclesiae Praelatorum, tam Alamannorum quam Italicorum.—Unde et saepedictum Jacobum omnis ecclesiastici ordinis praerogativa nudatum—subjicimus saecularis nostrorum ministrorum arbitrio potestatis,—ubicumque deprehensus fuerit, velut haereticum

But Italy was fatal to Lewis also, as it had been ere now to many a German emperor. The insufficiency of his resources, and the inconstancy of the Italian people, compelled him to withdraw from this country (1329):<sup>32</sup> the Pope's party regained so strong an ascendancy that the forsaken Imperial Pontiff was quickly delivered over to his antagonist.<sup>33</sup> Fresh anathemas<sup>34</sup> followed the Emperor on his return to Germany, and now that public feeling was alarmed by many of the foregoing events,<sup>35</sup> they made a stronger impression than before, even in Germany.<sup>36</sup>

*animadversione debita puniendum.* In a second *Sententia* of the same day (l. c. p. 522), after a long refutation of his idea of the poverty of Christ, John was declared to be, *haereticus notorius et manifestus et excommunicatus.*

<sup>31</sup> 12th May, 1328: Villani, x. c. 71 ss.

<sup>32</sup> Villani, x. c. 96 ss. At Pisa, even in 1328, a number of zealous Minorites, who had made their escape from Avignon, came over to him; among them were some of the most distinguished of the Order. Michael of Cesena, the General, William Occam, and Bonagratia of Bergamo, who henceforth remained with Lewis (Contin. Chron. Guil. de Nangis in d'Achery Spicil. iii. 88. Wadding, *Annales Minorum*, ann. 1328, no. 17).

<sup>33</sup> Villani, x. c. 162. Bernardus Guido in *Secunda Vita Joannis XXII.* ap. Baluz. *Vitae PP.* Aven. i. 148.

<sup>34</sup> *Processus sextus* of 20th April, 1329 (in Martene *Thes.* ii. 771), condemns Lewis as a heretic, *quod damnatam haeresim,—quod Christo et Apostolis in rebus, quas habuerant nullum jus competierat, sed tantummodo in eis habuerant usum facti, asserere praesumerat temere et publice, and because he, asserens errorem,—quod Imperatori licebat Papam deponere, contra nos depositionis de facto praesumpsit sententiam promulgare.* On 25th June he gave fresh orders to preach the crusade against Lewis in Italy (l. c. p. 777). On 27th January, 1330, the command not to render allegiance to Lewis was repeated (l. c. p. 787).

<sup>35</sup> Chiefly by the setting up of an anti-Pope, who soon after was obliged to abjure his errors before John XXII.; comp. Jo. Vitoduranus in *Thes. Hist. Helv.* p. 28, who was by no means well inclined toward Pope John XXII., and recognized the *mira sanctitas* of the anti-Pope. Still he pronounced the election an error, Lewis and the Romans probably wished to vindicate the ancient right, *eligendi summum Pontificem et sedem apostolicam ordinandi, granted by Hadrian to Charlemagne: sed non super petram, sed potius super arenam—aedificassent. Quia—successores Caroli memorati praefato juri longe ante istius renunciaverunt tempora.*

<sup>36</sup> Jo. Vitoduranus, l. c. p. 29: *Ex tunc plures civitates—abstinuerunt se a divinis, et interim Clerus graviter fuit angariatus et compulsus ad divina resumenda, et plures annuerunt, non verentes latam sententiam, nec ultionem divinam. Multi etiam erant inobedientes, et ob hoc de locis suis expulsi, et sic tandem facta fuit lamentabilis difformitas Ecclesiarum: quaedam enim immunem se existimans ab interdicti censura in laudes divinas celebrando imperterrite ac secure laxavit ora; quaedam vero e contrario interdicti poena se plexam reputans organa Domino canentia suspendit. Et illae mutuo se sinistre judicabant, et quod mirabilius est, tacentes in divino cultu habitu clausis januis mutuo sibi non communicabant, sed frequenter se excludebant, cantantes etiam se alterutrum vitaverunt.—Haec autem diversitas lamentabilis cansabatur non solum propter diversitatem conscientiarum,—sed etiam ex eo, quod Jurisperiti in iis requisiti diversimode canones juris ecclesiastici interpretabantur.* Jacob v. Königshoven *Elsass. Chronick*, s. 128: *Hievon wart grosse Irrunge und Zweyunge in der Pfaffheit in des Riches Stetten, und in den frigen Stetten, die disen Ludwig fur einem Keyser hettent. Wan etliche Pfaffen und das Mereteil die woltent des Bobestes Briefen gehorsam sin, und wol-*



Wearied out with so obstinate a persecution, Lewis tried fresh negotiations for peace. But the Pope, so entangled with the ambitious Philip VI. of Valois, since 1328, King of France, that he was obliged to yield to his most extravagant demands,<sup>37</sup> haughtily rejected the proposals of submission, which were first brought before him by the Emperor's friends (in 1330),<sup>38</sup> and afterward re-

tent nüt singen, noch Gottesdienst han. Also die Agestyner und vil bi alle Orden zu Strosburg und anderswo in frigen und Riches Stetten, die worene XVII. Jor one singen. Aber die Brediger und Barfussen zu Strosburg die sungent vil Jor an der erste wider des Bobestes Briefe, Hünden noch liessent die Brediger abe, und woltent auch nyme singen: do sprochent die Herren von Strosburg, sit das sū hettent vor gesungen do soltant sū ouch fürbas singen, oder aber us der Statt springen. Do zugent die Brediger us der Statt, und liessent ir Closter lere ston IV halb Jor. Ouch zweiete sich die Pfafheit nderenander so sere, das die Pfaffen uf einre Stift, und die Möniche in eime Closter ire etliche sungent und die Andern swigent. Der Keyser was so gut und tugenthaft, das er keinen armen Pfaffen det derumb kestigen; doch twanger die Bischove und Prelaten, das sū mustent ir Lehen von ime enphohen.

<sup>37</sup> He obtained the ascendancy in the College of Cardinals, by continually pressing on the Pope more French Cardinals. On 25th May, 1331, John wrote to him: *Circumspectionem regiam volumus non latere, quod jam XX Cardinales, de quibus XVII de regno Francie originem traxisse noscuntur, existant: nevertheless, immediately after he was obliged to create the Bishop of Autun a cardinal, on the King's recommendation (Raynald. ann. 1331, no. 33, 34).*—The kings of France tried to enrich themselves at the expense of the Church, especially upon the empty pretext of a new crusade. With this view even Charles IV. had demanded six millions *librarum Turonensium* from John (Raynald. ann. 1323, no. 10); but he received the answer: *summam praedictam—dividere inter omnes—difficile nimis nobis.*—Philip VI. offered again in 1331 to undertake a crusade; but he demanded for this purpose from the Pope (Villani, x. c. 196), *tutto il tesoro della Chiesa, e le Decime di tutta Christianita per sei anni, pagando in tre anni, e in suo Reame le investiture e promutazione d'ogni beneficio ecclesiastico; e adomandava titolo del Reame d'Arlie di Vienna per lo figliuolo, e d'Italia volca la signoria per Messer Carlotto suo fratello.* Thereupon he was reminded, indeed, that the kings of France, for 40 years past, had drawn tithes from the French Church on the pretext of a crusade, and had employed it in other wars. However, the Pope did his utmost to satisfy him. He appointed him, 26th July, 1333, *rector et capitaneus totius exercitus Christiani, qui transfretabit, and assigned, per universas mundi partes decimam ecclesiasticorum reddituum sexennalem—in utilitatem dicti passagii (Raynald. ad h. a. no. 3; cf. Ughelli Italia sacra, iii. 537).* In the Vita octava Bened. XII. (in Baluz. 1, 241), it was honestly said of this pretext, which was afterward repeated: *quod tamen effectum non habuit, cum etiam propter delusiones praeteritas minime fendum communiter crederetur.* The Papal decree by which Italy was separated from the German empire, doubtless belongs to this time (in Baluz. i. 704, published entire by Hoffer in the Oberbaier. Archiv. f. vaterland. Gesch. i. 113): *provinciam Italiam ab eodem imperio et regno Alamaniae, totaliter eximentes, ipsam a subjectione, communitate, et jurisdictione eorumdem regni et imperii separamus,—decernentes, ut nullo unquam tempore jungantur; ex eo praecipue, quod earundem provinciarum longa diffusaque protensio—impedit unius regnantis jurisdictionis et gubernationis effectum.—Ac declaramus, regnum praescriptum Alamaniae a regno Francie claris distingui terminis,—per nos—paterno amore provide distinguendis.* Even the contemporary Albericus de Rosate, Dict. Juris s. v. Italia, and Papa, mentions this decree, with the words: *an potuerit illud statuere, Deus novit; and so Baluz's doubts as to its genuineness have no foundation.*

<sup>38</sup> Viz. by John, king of Bohemia, and Baldwin, archbishop of Trèves, with whom afterward Otto, duke of Austria, united himself. Compare the Pope's two answers of

newed by the Emperor himself 1331 and 1332:<sup>39</sup> so that, for a short time, the persecuted monarch was quite resolved to resign the crown, which was no less grievous than glorious.<sup>40</sup> A second accusation of heresy with which the Pope was charged<sup>41</sup> put new

the 31st July (in Raynald. ann. 1330, no. 29 ss.; more fully in Martene Thes. ii. 800) and the 21st September (in Raynald. l. c. no. 34 ss.). The proposals were (Raynald. l. c. no. 35. Martene, l. c. p. 801): Primo quod (*Bavarus*) cum effectu deponet suum hæreticum antipapam. Secundo quod penitus recedet ab appellatione. Tertio quod omnia, quae fecit seu attentavit contra sanctam personam domini nostri Papae Ecclesiamque Romanam, revocabit cum effectu. Quarto quod recognoscet, se excessisse et sententias excommunicationis ipsum ligasse. Quinto quod gratiae nostri Papae se offeret ad misericordiam.—Haec omnia sic intelliguntur, quod Bavarus in honore et suo statu remaneat, scil. in regno et imperio. The Pope's answer: Nescitis quid petitis!—Impossibile enim est ipsum remanere in honore Imperiali et regio sine novi juris acquisitione, cum honorem et dignitatem non habeat.—Offerimus, si ad gremium Ecclesiae redire voluerit idem Bavarus, sicut debet, ipsum benigne recipere nos paratos, eique tantam et talem impartiri gratiam, quod tu et Principes supradicti poteritis merito contentari.

<sup>39</sup> The Emperor's petition, and the instructions for the ambassadors, October, 1331, are in Gewold, p. 118 ss. Olenschlager's Urkundenbuch, s. 180 ff. Lewis declared himself prepared for every thing on condition that he and the Roman empire should remain unimpaired in rights and in honor.—On the second imperial embassy of 1322, see the contemporary Heinrich Mon. in Rebdorff Annales (ed. Chr. Gewold. Ingolst. 1618. 4. and in Freher-Struve, t. 1.), ad h. a., especially Joh. XXII. ep. ad Reg. Franciae (in Raynald. ann. 1333, no. 28): Ut quae nobiscum egerunt Bavari nuncii, celsitudo regia non ignoret, ecce quod quia mandatum sufficiens non habebant, oblataque per ipsos erant insufficientia ad ea, quae idem commiserat Bavarus comperta, et quae petebant per nos sibi fieri, erant omnino obvia rationi, tractatum cum eis habere renuimus, etc.

<sup>40</sup> Heinrich de Rebdorff, ad ann. 1334. Quinta vita Joh. XXII. in Baluz. i. 176. Raynald. ann. 1334, no. 20 ss.

<sup>41</sup> So early as the first Sunday in Advent, 1331, he had publicly preached (Cont. Guill. de Nangis in d'Achery Spicileg. iii. 95), quod animae decedentium in gratia non videant Deum per essentiam, nec sint perfecte beatae, nisi post resurrectionem corporis, an opinion which agrees indeed with the earliest fathers (vol. i. Div. 1, § 52, note 23), but had been abandoned ever since the fifth century (Müncher's Dogmengeschichte, iv. 414), and, together with certain other opinions, had been condemned by the University of Paris in 1240 (d'Argentré Collectio Judiciorum de Novis Erroribus, l. 186). The greater part of the Court bowed to the Pope's opinion: only the English Dominican, Thomas Walleis, stood forth to oppose it on the 27th December at Avignon (see Guilelmus Thorn Chron. de Gestis Abbatum s. Augustini Cantuar. in Scriptt. X. Hist. Anglicanae. London, 1652. D'Argentré, i. 316), but he was thrown into prison. Now, in 1332, the Pope wished to vindicate his doctrine in Paris also by means of two Dominicans (Cont. Guill. de Nangis, l. c. p. 96); here, however, it encountered great resistance: the King desired the opinion of the theologians of the University: on the 2d January, 1333, they decided (d'Argentré, l. c.), quod a tempore mortis Domini nostri Jesu Christi, per quam pretium redemptionis humani generis extitit persolutum, omnes animae ss. Patrum, quas idem salvator noster ad inferos descendens eduxit de limbo, caeterorumque fidelium animae, quae de corporibus exierant, nihil habentes purgabile, vel quae jam in Purgatorio sunt purgatae, ad visionem nudam et claram, beatificam, intuitivam et immediatam divinae essentiae et benedictissimae Trinitatis,—quam Apostolus 1 Cor. xiii. nominat visionem facie ad faciem, erunt assumptae, ipsaque Deitate beata perfecte fruuntur; et jam quod crediderunt videntes, quod speraverunt tenentes, non in spe sed in re sunt beatae. Quamquam dicta visio, quam nunc habent, resumtis corporibus minime evacuabitur, alia succedente, sed ipsamet in eis, cum sit earum vita aeterna, perpetuo remanebit: at the same time, in order to leave the Pope a way of escape, they assumed that he had pro-

weapons into Lewis's hands to be employed against him; but the Pope escaped by death from the General Council<sup>42</sup> which was being prepared for him by the imperial side.

pounded the contrary opinion only, recitando, not determinando, asserendo seu etiam opinando. The King sent this decision to the Pope (Cont. Chron. Guil. de Nangis, p. 97), mandans sibi a latere, quatenus sententiam Magistrorum de Parisius, *qui melius sciunt, quid debet teneri et credi in fide, quam Juristae et alii Clerici, qui parum aut nihil sciunt de theologia*, approbare, et quod sustinentes contrarium corrigeret. According to the statement of Petrus de Alliaco, in Concil. Eccl. Gall. ann. 1406, the King even caused an intimation to be made to the Pope, qu'il se revoquast, ou qu'il le feroit ardre (Bulaei, Hist. Univ. Paris. iv. 238). The Pope's answer of 18th November, 1333, is very characteristic of the relations of the age (in Raynald. ad h. a. no. 46): he had heard that the King had instigated certain Magistros in theologia, ut, quod animae sanctae ante suorum resurrectionem corporum videbant clare divinam essentiam, praedicarent; some even said, quod illos qui hoc facere reuebant, capitulaveras satis dure. Ab aliis vero audivimus, quibus fidem prorsus adhibemus, quod praeceptum tale seu inductio ab ore regio non processit; sed ut princeps zelator veritatis—aliquibus, qui forsán dicebant seu fingebant, se propter metum aliquem non audere talia praedicare, dixisti, quod metu cujusquam personae non sinerent veritatem—praedicare. Hoc profecto dicere decebat et decet regiam maiestatem. Cum autem hanc quaestionem b. Augustinus interdum in scriptis suis reputaverit valde dubiam, et circa eam variasse dicatur, et nedum ipso, sed et multi doctores alii circa istam materiam variant; propter hoc, ut veritas possit melius aperiri, nos interdum in nostris sermonibus mentionem habuimus, non proferendo verbum de nostro capite, sed dicta Scripturae sacrae et Sanctorum: multique—coram nobis—pro et contra de ista materia sunt locuti.—*Et quia, fili dilectissime, forsán tibi dicitur, quod nos non sumus in theologia magister*, audi quid unus sapiens dicat: Non quis, inquit, sed quid dicat, intende. He offers to the King his collections upon this subject from Holy Writ and the Fathers. Profecto, amantissime fili, si quae circa istam materiam aliqui scripserint et dixerint, sciret tua magnificentia, merito miraretur. Many had stated of the King that he had declared himself for the contrary opinion, multisque comminati sunt religiosi et saecularibus sub umbra tui culminis, si partem illam, quod animae separatae divinam essentiam non videant [defenderent],—quod illos capi facerent per inquisitores haereticae pravitatis. The Pope did not believe this: quia scimus, quod in his vel aliis ut eliceretur veritas intendes, rogamus benevolentiam regiam, ut—magistris in theologia Parisiis legentibus facias nunciari, quod—quilibet dicere et disputare et praedicare valeat, quod sibi juxta doctrinam evangelicam—disputandum videbitur et etiam praedicandum, donec aliud ordinatum per sedem fuerit apostolicam: sic enim ad veritatem quaestionis praedictae poterit promptius perveniri. The stubborn old man held his ground without regard to Philip. For the recantation, which he is said to have published on the day before his death, 3d December, 1334, but which was first divulged by his successor, 17th March, 1335 (Raynald. ann. 1334, no. 35 ss.), was held in suspicion even by contemporaries. Cont. Chron. Guil. de Nangis, l. c. Joannes Papa—errorem de beatitudine animae, quam ipse diu tenuerat,—insufficienter tamen, ut aliqui dicunt, moriens revocavit. Accordingly, Benedict XII., 29th January, 1336, was obliged to issue an express dogmatical decision on the subject (in Raynald. ad h. a. no. 3).—Compare, on the whole question, Bulaeus, Hist. Univ. Paris. iv. 235. D'Argentré Collectio Judiciorum de Novis Erroribus, i. 314.

<sup>42</sup> The discontent of the Italian Cardinals with the French Pope furthered the interests of the Emperor, and the zealous Minorites at his court, one of whom, Bonagratia, wrote against the Papal heresy. Their chief, Cardinal Neapoleo, had almost completed his negotiations with Lewis on the Council which was to be summoned when the Pope died. Raynald. ann. 1334, no. 31 ss.

## § 100.

BENEDICT XII. (20TH DECEMBER, 1334—25TH APRIL, 1342.) CLEMENT VI.  
(7TH MAY, 1342—6TH DECEMBER, 1352.)

Benedict XII., a well-meaning monk, but bound with monastic fetters, and not equal to his lofty place, now mounted the desecrated chair of St. Peter.<sup>1</sup> He had the best intentions of shaking off the shameful bondage of France;<sup>2</sup> but Philip of Valois contrived still, as before, to overpower him by means of the preponderance of French Cardinals. Thus he frustrated the Pope's intention of returning to Italy:<sup>3</sup> thus, too, his hearty desire to be reconciled with Lewis.<sup>4</sup> With the latter the Pope himself opened negotiations; Lewis met them with ready humility; but Philip

<sup>1</sup> Petrarch, in a confidential letter written immediately after Benedict's death, passes an unfavorable judgment upon him (Epist. sine titulo, ep. 1; that this letter does refer to Benedict, may be seen proved in Sade Mémoires pour la Vie de F. Petrarque, t. ii. notes, p. 18). He is here characterized as, vino madidus (according to Vitoduranus also, p. 89, he was potator vini permaximus; according to Galvaneus Flamma in Muratori, xii. 1009, comestor maximus et potator egregius, and, according to the Vita octava in Baluz. i. 141, he had given occasion to the proverbial saying: bibamus papaliter). Petrarch says further: Huc nos gubernatoris nostri perduxit inscitia: fecit hoc furor et rabies, et turpis inertia, et procellosi littoris fervidus appetitus, et rationis imperium fortunæ traditum, et hortatu foedæ cupidinis pondus infamiæ susceptum. Heu quanto felicius patrio terram sulcasset aratro, quam scalmum piscatorium ascendisset!—ille digitis omnium ostensus, omnium salibus aspersus, omnium ludibrium, jocusque mensarum, postremo omnibus hoc mare sulcantibus in æternum fabula.

<sup>2</sup> Albertus Argent. (who, in 1338, was at Avignon himself as ambassador of the Bishop of Strasbourg, cf. Chron. p. 129), p. 125: Benedictus XII.—sic ut a Joanne Papa discrepabat in statura (ille enim fuit pallidus, statura et voce pusillus, iste in corpore maximus, facie sanguineus, et voce sonorus), ita et in moribus discrepabant. Ille ad magnificandum et ditandum consanguineos, ad regnandum nobilibus, et exaudiendis eorum petitionibus, ad vestiendum annuatim plus quam LXX. comites et milites intendebat: iste de talibus non curavit. Dixit enim: absit, quod Rex Franciæ per consanguineos meos super me ditaretur [*dominaretur*?], neque sicut prædecessorem meum ad sua quævis vota coartaret.—Fuit—theologorum summus, sed nullus in jure, quem inter omnes a longissimis temporibus justissimum aestimabant.—Huic Benedicto in principio creationis suæ Philippus rex Franciæ mittens legatos, audacter, quasi nihil sibi denegare auderet, petiit inaudita: inter alia scilicet, ut filium suum primogenitum—faceret Regem Viennæ, quod se faceret vicarium Italiæ, quod sibi per totam Christianitatem daret decimam decimarum per decennium, ut sibi daret totum Ecclesiæ thesaurum in subsidium terræ sanctæ. Benedict did not only refuse the whole of this demand, but, as John XXII. had already granted the King the tithes of his kingdom under the pretext of a new Crusade (Prima vita Bened. XII. in Baluz. i. 200), quia dictum passagium non habuit effectum, dictus Benedictus Papa concessionem decimarum hujusmodi revocavit.—Nam idem Philippus voluit plus intendere ad dictam guerram (against the King of England) prosequendam, quam ad dictum passagium faciendum.

<sup>3</sup> Raynald. ann. 1335, no. 3, ss.

<sup>4</sup> Jac. v. Königshoven, s. 129: Benedictus der zwelfte hette den Keyser gerne usser Banne gelassen und sich mit ime verstünet. Do woltent es die Cardinale u. der König

always contrived to hinder an actual reconciliation.<sup>5</sup> Lewis at last resolved openly to combat his hidden foe, and concluded an alliance with Edward, king of England, against Philip (July,

von Frangrich nüt gestatten, wan es verdros den Künig von Frangrich, das der Keyser sich über in schreip.

<sup>5</sup> Albertus Argent. p. 126. The first imperial embassy (April, 1335) inquired, qualiter et sub qua forma redire deberet, et sub quibus articulis absolutionem et gratiam petere, and returned from the Emperor cum illis articulis et mandatis sufficientissimis. The Pope welcomed them with the friendly assurance (2d Oct.), se et fratres suos de hoc, quod nobilis ramus Ecclesiae, Alemannia, qui se in persona domini Ludovici laedi per Ecclesiam aestimans, jam ab arbore Ecclesiae separari coeperat, eidem arbori cum tam magno honore sedis redintegraretur, plurimum gratulari: multum commendans Alemanniam et dominum Ludovicum, quem nobiliorem mundi dicebat: conquerens regi Italianae per tyrannos, ac regnum Armeniae capi a paganis,—ac terram sanctam propter Imperatoris carentiam occupari: unde merito dixit absolutionem eidem impertiri se debere, quae et dari crastino sperabatur. Verum praedictus Rex Franciae, et Rex Siciliae—omnes quasi Cardinales a proposito averterant praeconcepito. Venerant enim ad impediendum factum ad curiam duo Archiepiscopi, duo Episcopi et duo Comites ex parte Regis Franciae, et totidem ex parte Regis Roberti, proponentes erroneum esse, tantam haeresiarum praepone dominis eorum Ecclesiae fidelissimis; Papamque cavere debere, ne fautor haereticorum diceretur. (During the troubles Philip had drawn over to himself certain cities of the Empire, which he would have had to resign, if a reconciliation had been effected. Raynald. ann. 1335, no. 7. Jo. Vitoduranus below, note 15.) Papa vero dicente: *quid volunt domini vestri, quod non sit Imperium?* illis vero proterve dicentibus: *Pater, non impingatis hoc dominis nostris vel nobis, quod non dicimus; quis contra imperium non loquimur, sed contra personam Ludovici damnatam: cumque dicerent, Ludovicum multa contra Ecclesiam fecisse, Papa dixit: immo nos fecimus contra eum: ipse enim cum baculo venisset ad pedes praedecessoris nostri, si voluisset, sed ipse noluit eum recipere: et quicquid ille fecit, quasi provocatus fecit.* Quantumcunque autem Papa assereret, se meliora pacta ab ipso Ludovico pro praedictis Regibus, eorum regnis et posteris extracturum, quam si eum in turri tenerent, penitus nil profecit. Rex Franciae etiam in terra sua undique bona et redditus Cardinalium interdixit et occupavit. Scripserant etiam illis diebus ad Curiam Joannes rex Bohemiae et Henricus dux Bavariae, gener ejus, quod de auxilio Hungariae et Cracoviae Regum et aliorum alium vellent constituere Regem Romanorum potenter. Et sic Cardinales Papam pro tunc ab absolutione Principis retraxerunt, dicentes, cum sui in partibus suis vellent eum destituere, inconsultum esse Sedi, si propter impotentem et inopem tot Principes offensaret. Sic dato alio termino deliberationis nuncii Principis infecto negotio sunt reversi. (Compare the Pope's letter to the same, delivered at the same time, in Raynald. ann. 1336, no. 29.) When Lewis afterward gained the victory over his enemies, the good Benedict rejoiced, gloriabatur—dicens ad Cardinales: *isti dicunt eum esse destitutum, sed quis adhuc ingressus est locum suum?* He himself resumed negotiations: misit autem Papa solennem legatum ad Ludovicum, Episcopum, Magalonensem, qui mores et motum Principis erga Ecclesiam indageret. Accordingly, Lewis sent a new embassy to Avignon in Oct. 1336, with the fullest powers, to profess repentance for every thing, and promise every thing that the Roman Court could require (see in Raynald. ann. 1336, no. 31, ss.), viz. ad deponendum—nomine nostro et pro nobis titulum imperialem Romae per nos receptum,—ad promittendum,—quod super omnibus praedictis excessibus—faciemus confessionem plenam, propria in persona petemus humiliter veniam, ac offeremus et suscipiemus emendam.—Item ad supplicandum vice et nomine nostro—pro absolutione, et pro nostra assumptione et in integrum restitutione ad famam, honorem et statum, et interdictorum in Alemanniae partibus remotione, et singularium personarum absolutione.—Item ad promittendum—vice et nomine nostro,—quod nomine satisfactionis, poenae, et emendae, ac poenitentiae per nos commissorum effectualiter assumemus passagium ultra-

1337).<sup>6</sup> At the same time the sense of honor and justice of the German nation was aroused more eagerly than before for Lewis.<sup>7</sup> The bishops gathered at Speyer by the Archbishop of Mayence; Henry of Virneburg, a faithful adherent to the Emperor, made a final attempt at reconciliation through an embassy sent to Avignon,<sup>8</sup> but this served only to prove incontestably the Pope's dependent position;<sup>9</sup> then the States assembled at Frankfort pronounced the Papal sentence invalid.<sup>10</sup> The electoral Princes with-

*marinum, prout vestrae Sanctitati videbitur expedire, et quod ibi manebimus, quantum vestra Sanctitas duxerit ordinandum.—Item ad promittendum, nos ecclesias et monasteria aedificaturos, prout vestra Sanctitas ordinabit.—Item quod suscipiemus et perficemus poenitentias alias quascunque atque poenas, quas vestra Sanctitas pro dictis excessibus nobis duxerit injungendas.* At the same time, in order to remove all hinderances, Lewis concluded a treaty with Philip (see the deeds in Leibnitii Cod. Jur. Gentium, p. 148, ss). But, nevertheless, Alb. Argent. p. 127: *Quantumcunque Benedictus Papa ad absolutionem Principis niteretur, in praedictis tamen Franciae et Apuliae Regibus, et quasi omnibus Cardinalibus, seductis per eos, assensum habere nequivit. Unde tandem legatis Principis saepe ad Curiam venientibus, quibus et legati Regis Franciae plures in Curia verecundias (insults) inferebant, in tantum quod nullum poterant habere finem, respondit, asserens sibi hoc non a homine sed a s. Spiritu inspiratum.*

<sup>6</sup> The deeds are in Rymer.

<sup>7</sup> This feeling manifested itself when, after a long dispute between Baldwin, archbishop of Treves, and Henry of Virneburg, for the archbishopric of Mayence, the former, in 1337, induced by the mediation of the Emperor, renounced his claim (Albert. Argent. p. 127): *Capitulum vero,—adhaerentes Imperatori, praedictum Henricum Archiepiscopum, ligantem se primo Principi, retentis in manibus Capituli sex castris et abjuratis per eum ne variare posset,—concorditer receperunt, qui et postea ferventer Ludovico adhaesit.*

<sup>8</sup> Their letter to the Pope of 27th March, 1338, is in Olenschlager, Urkundenbuch, s. 186.

<sup>9</sup> As the Archbishop of Mayence was under sentence of Papal excommunication, the Pope gave the ambassadors only a verbal answer, which he afterward communicated to the Archbishop of Cologne (in Raynald. ann. 1338, no. 3), viz. that the absolution of Lewis was only hindered by the fact that his ambassadors, impatientes adhibendae in tanto negotio debitae gravitatis, had suddenly taken their departure; that the Emperor himself must send ambassadors again, but chiefly, quod illa, per quae praecipue reconciliatio sua poterat impediri, erat assumptio guerrae—contra Regem Franciae,—quod nos—eundem Regem dimittere non possemus,—cum Reges Franciae nunquam dimiserint Ecclesiam. On the other hand, Albertus Argent. p. 127: *Cum Papa Benedictus nuncios recepisset benigne, in aurem nunciis quasi flens conquerebatur, quod ad Principem esset inclinatus, et quod rex Franciae sibi scripserit certis literis, si Bavarum sine ejus voluntate absolveret, pejora sibi fierent, quam Papae Bonifacio a sui praedecessoribus essent facta.*

<sup>10</sup> Jo. Vitoduranus, p. 49: *Qui discutientes causas et motiva singula tam Papae quam Imperatoris, diligenterque examinantes, et acumine intellectus luce clarius omnia speculantes et perscrutantes per se, principaliter vero per Imperatoris Legistas et Canonistas valentissimos, principalissime autem per fratrem Bonamgratiam, almarium seu scrinium totius juris, consequenterque per cunctos Praelatos, caeterumque Clerum ibidem congregatum, repperunt, Imperatorem cuncta, quae debuit, sufficienter peregrisse, et sibi aditum et accessum omnis gratiae et justitiae interclusum, et obstructum, et indiscrete temereque penitus denegatum. Sententia ergo matura et unanimi Principes etiam jurejurando praestito determinaverunt, omnes processus, a Domino Papa contra Dominum Imperatorem latos, indebitos, et prorsus nullius fore roboris vel momenti, sed eos irritos*

drew to Rense (First Electoral League, 15th July, 1338), in order to make a solemn declaration that the Roman king receives his rank and power solely from the choice of the Electoral Princes.<sup>11</sup> This declaration was immediately confirmed as the law of the empire.<sup>12</sup> Now again learned men, such as William Occam and Leopold of Bebenburg, came forward with heightened courage to defend the Imperial cause.<sup>13</sup> Public opinion was general in behalf

et inanes, et ab aequitatis lance penitus alienos. Adstruxeruntque eodem jurejurando sententia diffinitiva, per totam terram Imperii—divinum cultum, diu indebite—interdictum et suspensum, legitime liciteque omni scrupulo conscientiae deposito debere resummi. Decreverunt nihilominus, totum Clerum ubilibet in regno seu imperio Imperatoris constitutum, qui adhuc non resumpsisset divina, compellendum ad resumendum cultum divinum diu intermissum, et si renueret, et contumaciter parere despiceret, tanquam hostis Reipublicae esset acriter puniendus.

<sup>11</sup> The first Churverein (Electoral League) (in Gewold, p. 146. Olenschlager's Urkundenbuch, s. 188): Wir—han uns des vereint, das wir dats egenant Rich, und unser fürstlich Er, die wir von Im haben, nemlichen an der Kur des Richs, an sinen und unsern Rechten, Friheiten, und Gewonheiten, als von Alter an uns, und an des Richs Kurfürsten herkomen und bracht ist, handhaben, beschurn, und beschirmen wollen, nach aller unser Macht und Craft an Geverde, wider aller meniglichen, nieman aussgenommen, wan es unser Er und Aid anget, und wellen das nit lassen, durch dheinerley Gebot, von wem oder wie es chöm,—und geloben an disen gegenwertigen Brief bi unsern fürstlichen Eren, und haben es auch geschworen zu den Heiligen, für uns und unser Nachkommen, stet und vest zehalten.—Und geloben,—das wir—uns dawider nit behelffen mit dheiner dispensation, absolution, relaxation, abolition, in integrum restitution, deheinerleie beneficio, wie das genant sie, wann es chum, oder wie es chum,—und solten Got und der Werlt erlos, trewloss und maineidig sin und heissen, wo oder wie wir darwider teten, etc.—The Electoral Princes announced this to the Pope (see the letters in Herwart, p. 744. Olenschlager, Urkundenbuch, s. 190), and declared to him at the same time that, in contravention of the—sententiae et processus, quos Joannes P. XXII. de facto contra Deum et justitiam et juris ordinem fulminavit, they had determined,—quod vacante Romano Imperio is, qui eligitur concorditer, vel a majori parte Principum Electorum, pro Rege Romanorum ab omnibus est habendus. Et quod nec nominatione, approbatione, confirmatione, consensu, vel auctoritate sedis apostolicae super administratione bonorum et jurium Imperii indiget, sive titulo Regis assumendo, quodque jura et bona Imperii administrare et gubernare poterit, et de jure et consuetudine, nulla sedis apostolicae super hoc licentia habita vel obtenta. Upon this meeting of the Electoral Princes compare Pfeffingeri Vitriarius illustratus, i. 667.

<sup>12</sup> The Emperor promulgated two laws on 8th August, 1338. In the first, *Licet jura utriusque* (in Leibnitii Cod. Jur. Gent. i. 148. Olenschlager's Urkundenbuch, s. 189), he confirmed this declaration of the Electoral Princes; in the second (in Freheri Scriptt. Rer. Germ. i. 655. Olenschlager, s. 193), a long document, drawn up by Bonagratia, he pronounced the Papal sentences invalid, and forbade them to be observed. These imperial decrees were sanctioned at the diet of Frankfort in March, 1339 (Goldast. Constitt. Imper. iii. 411). The Allegationes per Varios Magistros et Sacram Paginam Approbatae, which are mentioned in Grotefend's Verzeichniss d. Handschriften u. Incunabeln der Stadtbibliothek zu Hannover (Hann. 1844), s. 5, no. 17 c., appear to be a work written in defense of Lewis, and belonging to this period.

<sup>13</sup> There appeared in particular, Guil. Occam Compend. Errorum Joannis P. XXII. (in Goldasti Monarchia, t. ii. p. 957 ss.), and Lupoldi de Bebenburg (now Bemberg on the Brettach, of the noble family of the Küchenmeister v. Rotenburg and Nortenberg; see Bensen's Untersuchungen über Rotenburg, s. 441, Doctor decretorum and archdea-

of Lewis, and the clergy who wished to maintain the interdict were banished.<sup>14</sup>

But the posture of affairs was quickly changed by Lewis's inconstancy.<sup>15</sup> First, he allowed himself to be induced by the in-

con at Würzburg, after 1352 Bishop of Bamberg, † 1362), *Tract. de Juribus Regni et Imperii ad Balduinum Archiep. Trevir.* (in *Schardii Syntagma Tractatum de Jurisdictione Imperiali*, p. 167); compare his *Lib. de Zelo Christianae Religionis vett. Principum German.* *ibid.* 208, and *Rhythmicum Querulosum Dictamen de Modernis Cursibus Imperii Romanorum* in *Böhmer's Fontes Rerum Germ.* i. 479.

<sup>14</sup> Jo. Vitoduranus, p. 49: *Exiit ergo edictum a Caesare Augusto Ludovico, ut universa pars orbis sibi subjecta vel subjicienda sub obtentu gratiae suae divinum cultum resumeret incunctanter; quod sui officiales, praesides, advocati sibi serius commendatum ad terras suas in literis Imperatoris secum deportantes, fideli executioni mandarunt, praecipientes singulis civitatibus et aliis locis advocatae suae vel jurisdictioni subjectis per minas et terrores, jussionem Regis urgentem per omnia observari. Quod cum clerus aliquarum civitatum una cum civibus effectui mancipare aliquot dierum spatio minime curasset vel sprevisset, tandem cives habito consilio super hoc, ad cor redeuntes vel recognoscentes durum fore contra stimulum calcitrare, valenter jubebant per civitates proclamari: quicumque clericus tam religiosus quam saecularis divinum cultum apertis januis, pulsatis campanis habere vel resumere contemneret, extra civitatem in perpetuum vel ad tempus fieret, vel si quis animo fugiendi divina civitatem exiret, usque post decennium se sciret irremediabiliter exterminatum ab illa civitate, oppido, villa, coenobio vel loco quocunque; relinquentes tamen et indulgentes clericis octo dierum, vel citra manendi vel recedendi, deliberandi spatium. Multi igitur diversorum ordinum clerici et pauci saeculares, aliis cantantibus, de locis suis discedebant, hinc inde vagantes, et in locis aliorum dominorum ad divina resumenda non coactis se recipiebant, et ibi nomen psallentium in tantum maculaverunt, ut more stercoris vel luti foetidi abjicerentur, et ipsorum communio, familiaritas, conversatio, missa, oratio, praedicatio, absolutio et quaeque clavium auctoritas execrabilis haberetur. E contrario remanentes, et Domino praecipientes, tacentes et recedentes, tanquam vecordes, erroneos, pertinaces, fatuos et rebelles occulte et manifeste persequebantur, et eos coram hominibus vitandos et detestandos tanquam perversores et dilaniatores latere, nihilominus tanquam venenatos et contagiosos, et adinstar canis rabidi fugiendos affirmarunt. Utraque pars alteram desipientem, vel una alteram scismaticam, rumpentem et scindentem tunicam Christi integram et inconsutilem judicabant. Multi vero de numero exeuntium ducti post medium annum poenitentia locum suum ardenti desiderio repetebant, sed indultum eis non erat, quia fere tota universitas juramenta in eorum exitu in contrarium emisserunt, videlicet ut nullus eorum facultatem vel possibilitatem regrediendi haberet ante finem termini eis super hoc praefixi: unde factum est, ut inviti cum amaritudine maxima mentis extra remanerent, qui voluntarie ac improvide exierunt.—Muta diu labia in vocem cantus et laetitiae cultus divini sunt resoluta, et organa per multa annorum curricula suspensa relaxata sunt in melodiae ac psalmodiae harmoniam.*

<sup>15</sup> How little support he gave to the English may be seen in Olenschlager, s. 300. Jo. Vitoduranus, ad ann. 1339 et 1340, p. 55: *si Imperator promissum suum exhibitum Regi Angliae servasset,—contra Regem Franciae proeliaturus procedendo, et regnum ejus intrando, procul dubio, ut verisimile est, regnum Franciae cum Rege suo penitus debellasset, et civitates imperiales Imperio recuperasset, et consequenter Papam Benedictum XII. tunc Ecclesiae praesidentem benevolum et propitium ad perficiendum omne voluntatis suae desiderium invenisset. Nam Rex Franciae—Papam sibi subactum, quam diu in Avenione demoratur, cohibet et refrenat, ne Imperatori aliquo modo condescendat, ne bona Imperii surrepta et sibi usurpata (see above, note 5), eum amittere contingat. Cum autem Ludvicus, ut supra dixi, remissus et negligens, pavidusque existat ad proeliandum contra suum adversarium,—bonum taliter suum et Imperii consequenter neg-*



trigues of the French king, who now seemed to rule over the keys of Peter, to forsake his allies, and seek afresh the Pope's absolution (1341).<sup>16</sup> When, however, he saw himself once more deceived, he seemed to wish to cut himself off from all hope of future reconciliation, by encroaching upon the Pope's unquestioned rights; in order to win the Tyrol for his family he dissolved the marriage of Margaret Maultasch by his Imperial power;<sup>17</sup> and upon her second marriage with his son, Lewis, margrave of Brandenburg (February, 1342), he granted the dispensations necessary, because of their being too near akin.<sup>18</sup>

Notwithstanding all the support of learned men,<sup>19</sup> Lewis lost for his cause the confidence of the people by this encroachment upon ecclesiastical privileges,<sup>20</sup> as much as he awakened the dis-

lexit: maluit enim in Alemania sibi valde subdita confessor esse, quam in Francia, ut timuit, martyr fieri. Fortunatus enim valde erat, et multa bona sine proelli certamine adeptus erat, etc.

<sup>16</sup> Alb. Argentin. p. 128: Post haec misit Francus nuncium et literas Imperatrici, filiae sororis suae, quam dominam Alemanniae scripsit, ut inter ipsum et Principem concordiam, si posset, ordinaret, et sibi nuncium, de quo Princeps confideret, de concordia attendenda destinaret. Et missis hinc inde pluries nunciis et literis inter Principem et Francum, interpositis juramentis et confectis literis liga perpetua est firmata, in qua ipse Francus Principem cum sede apostolica reformare juravit. Et sic Princeps per Francum et in tota Francia post haec et Parisiis scriptus est et nominatus Imperator.—Missis saepius nunciis Imperatoris una cum legatis et literis Franci ad Papam pro reformatione Principis, Papa Benedictus nunquam Ludovicum Principem ad arbitrium Franci nunc haereticum, nunc Christianissimum haberi debere, respondit. Et protracto variis occasionibus negotio Francus, ut credebatur, quod noluisset, simulavit se velle; Benedictus vero, quod voluisset, simulavit se nolle.

<sup>17</sup> See the document in Goldasti Monarchia, ii. 1383, Freheri Scriptt. Rer. Germ. l. 620.

<sup>18</sup> The document is in Goldast. l. c. p. 1385, in Freher, l. c. p. 621. E. g. Papa Romanus super impedimento affinitatis sanguinis per dispensationem tollendo—ad suam auctoritatem asserit pertinere: ac in talibus matrimoniis pluries dispensaverunt de facto praeteriti quidam Pontifices Romanorum. Quod si talis gradus affinitatis sanguinis matrimonium legitimum impediret legis divinae seu Christianae praecepto, non posset aliquis hominum, quinimo neque angelus de caelo, dictum impedimentum per dispensationem aliquo modo amovere.—Ex quibus quidem manifeste apparet, ac fateri cogitur Romanus Episcopus,—quod si gradus affinitatis sanguinis, quanquam licitum matrimonium, impediatur fieri, hoc tantum factum esse praecepto sive statuto legis humanae, de cuius siquidem legis praeceptis sive statutis dispensare solummodo pertinet ad auctoritatem Imperatoris seu Principis Romanorum.

<sup>19</sup> Guil. Occam Tract. de Jurisdictione Imperatoris in Causis Matrimonialibus, in Goldasti Monarchia, i. 21, and Marsili Patavini Tract. de Jurisdictione Imp. in Causis Matrimon. Ibid. ii. 1383.

<sup>20</sup> Alb. Argent. p. 129: Sicque Ludovicus Princeps filium Joannis Regis Bohemiae uxore et dominio spoliavit, *inconsuetum et horribile facinus attentando*. Filium namque ad hoc maleficium genus induxit invitum, quod videlicet uxorem sui consanguinei in tertio gradu, non separatam ab ullo iudice Ecclesiae, ipsamque suam consanguineam non uxorem, sed moecham traduxit.—O idolorum servitus avaritia, quae tantos Principes confundisti, ex quibus iterum inter Bohemos et Principem et filios suos non immerito livor

content and jealousy of many of the nobles, by this fresh aggrandizement of the power of his house.<sup>21</sup> Thus he put new weapons against himself into the hands of the worldly-minded Clement VI.,<sup>22</sup> who took the place of the pious Benedict (7th May, 1342), full of inveterate hatred against Lewis.<sup>23</sup> The first attempt to resume negotiations with him ended in a fresh bull of excommunication (12th April, 1342).<sup>24</sup> As this bull now made an impression in Germany, Lewis resolved to yield all the conditions which the Pope prescribed to him: still, however, in answer he received fresh demands.<sup>25</sup> The German States acknowledged indeed, at

edax et odia suscitantur. Jo. Vitoduranus, p. 58: tota terra illud matrimonium multifariam multisque modis diris vocibus inculpavit.

<sup>21</sup> Olenschlager, s. 318 ff.

<sup>22</sup> Matteo Villani, iii. c. 48 (Muratori Scriptt. Ital. xiv. 186): Costui fu natio di Francia, e Arcivescovo di Ruem (Rouen), e grande amico e protettore del Re Filippo di Francia, e per lui, innanzi al Papato, e poi che fu Papa, assai cose fece.—Huomo fu di convenevole scienza, *molto cavalleresco, poco religioso*. Delle femmine, essendo Arcivescovo, non si guardò, ma trapassò il modo de' secolari giovani Baroni: e nel Papato non se nè seppe contenere, nè occultare: ma alle sue camere andavano le grandi Dame, come i Prelati, e fra l'altre una Contessa di Torena fu tanto in suo piacere, che per lei faceva gran parte delle grazie sue. Albertus Argentin. p. 133: Hic ab antecessoris sui moribus multum distans, mulierum, honorum et potentiae cupidus,—ipse Francus Franco ferventer adhaesit. Jacob v. Königshoven, s. 129: Clemens der Sechste, der was gar ein gritiger hochfertiger Bobest. er meinde über den Keyser und über alle Welt Herre zesinde.

<sup>23</sup> Albert. Argent. p. 133: Qui cum adhuc esset Rotomagensis, Parisiis in praesentia Franci et Bohemi publicum sermonem faciens, ipse contra Principem, quem nominavit *Baurus*, animavit, interpretans nomen *baurus*, i. e. nesciens tergere barbam, quia tantam dixit esse foeditatem oris sui, quod ipsam abjicere non valeret. (Instead of *Baurus*, *Bavarus* should be read, which he derives from *bava*, the French, *bave*, spittle, as *baraca*, a bib.)

<sup>24</sup> The previous Collatio Papae is in Schunk's Beitr. zur Mainzer Gesch. ii. 469; the bull of excommunication is in Raynald. ann. 1343, no. 43 ss.

<sup>25</sup> Albert. Argent. p. 133: Missisque iterum per Principem literis et nunciis ad Curiam et ad Francum ad sciscitandum causam impedimenti reformationis, cum ipse paratus esset omnia facere, quae sibi injungerentur a Papa: datoque responso per Francum, quod diceretur per Papam, quod non peteret eo modo gratiam, quo deberet; nunciisque (prout in mandatis habebant) dicentibus, quod daretur eis forma procuratorii Papae placens, secundum quam, qualiscunque esset, se petituros dicebant: conceptum est procuratorium turpissimum et rigidissimum (see the same in Gewold. p. 181. Olenschlager's Urkundenbuch, s. 226), quod non credebant Ludovicum sigillaturum, etiamsi captus fuisset. Dabatur enim in eo potestas Humberto Delphino, avunculo Principis, item Augustensis et Babenbergensis Ecclesiarum praepositis, item M. Ulrico, cancellario suo, in solidum confitendi omnes errores et haereses; item resignandi Imperium, nec resumendi, nisi hoc fieret de gratia Papae, et se ac filios suos, ac bona ac statum suum in manus et voluntatem Papae ponendi, et multa insolita faciendi. Verum Princeps mandatum hujusmodi non solum sigillavit (see the documents of 18th September, 1343, in Gewold, p. 173. Olenschlager, s. 234), sed etiam coram tabellione, misso per Papam, se servaturum nec revocaturum juravit. De quo Papa ipse et Collegium mirabantur, dicentes intra se: *iste homo diffidentia est perplexus*. Illisque quatuor procuratoribus juxta formam mandati jurantibus, ac pro articulis injUNCTIONIS et poenitentiae denuo instantibus, nec sine articulis abrevolentibus, tandem Papa de consilio Collegii articulos,

the Diet at Frankfort (September, 1344), that these demands violated the rights of the Empire;<sup>26</sup> but instead of readiness to make the Emperor's cause their own, a strong dislike now rose in the minds of many against him, whose person alone interrupted the peace of the Empire.<sup>27</sup> Thus Clement could count upon support even in Germany, when the Emperor, in conjunction with Lewis of Hungary, who wished to avenge the murder of his brother, Andrew of Naples († 1345), upon his widow, Joanna, aimed at the restoration of his imperial rights in Italy. While the Pope took the murderess Joanna under his protection,<sup>28</sup> he launched

quos Principem facere voluit, qui non tangebant personam ejus, sed statum Imperii, assignavit. In these articles the following statements occur, among others (see, in *Gewold*, p. 195. *Olsenschlager*, s. 241): Concedit suis Procuratoribus potestatem pronuntiandi, confitendi, nulla et falsa—omnia dicta et gesta sub imperatorio aut regio titulo; item ejusmodi facta et negotia omnia, et unumquodlibet horum, tanquam injuste facta et gesta, revocandi, annullandi; item promittendi sua vice, et nomine ejus et pro se, quod nihil faciet, ordinabit, aut mandabit sub imperatorio titulo aut regali, aut quivis alius illius vice, absque speciali concessione sedis Romanae; item promittendi sua vice,—quod non veniet, nec intrabit in terras Italiae, nec quidquam in illis mandabit nec ordinabit—sine speciali concessione sedis Romanae; item dicendi ac promittendi, quod si in praescriptis articulis—aliquid esset dubium aut incertum,—quod tunc V. S. et successorum vestrorum interpretationem admittet, et sicut V. S. intellexerit et pronuntiabit, quomodo intelligi debeat, huic inviolabiliter et cum effectu stabit.

<sup>26</sup> *Albert. Argent.* p. 134: illos articulos in perniciem et destructionem Imperii esse conceptos.

<sup>27</sup> Immediately after the diet at Frankfort the nobles assembled at Rense to concert further measures (*Albert. Argent.* l. c.): there, however, some voices were raised against Lewis. *Jo. Vitoduranus*, p. 75: Alii famant, quod Principes magnam displicentiam propter nimiam sui (Ludovici) humiliationem erga Papam conceperunt, quia culmini regalis imperialisque celsitudinis derogaret: et ideo expresse sibi in faciem restiterunt non assentiendo sed contradicendo aperte suae excessivae ac indebitae erga Papam humiliationi. Fertur quoque, quod iidem Principes aegre ferentes, et amaro animo sustinentes remissionem et negligentiam Imperatoris, tanquam causam destructionis Imperii, ab eo seriose postulabant, ut filium Regis Boemiae [Carolus Marchgravius Moraviae] sibi subrogaret in Regem Alemaniae. Quem recusans, filium, Marchgravius Brandenburgensem, pro Rege praesentavit: quem ipsi similiter abjicientes ab eo indignanter discesserunt. Regnum tantum periit et debilitatum est sub te Bavaro, dixerunt ad invicem, quare summopere praecavendum est, ne deinceps ad Bavaros transferatur. Tamen, antequam ab invicem divellerentur, quemadmodum fama communis me instruxit, de creverunt concorditer cum Imperatore, quod ultra a Papa gratiam quaerere non attemptaret, quam totiens irrationabiliter sibi senserat denegatam.

<sup>28</sup> General opinion laid upon Joanna the guilt of the murder, or at least a share in it: compare the contemporaries, *Dominicus de Gravina*, de Rebus in Apulia Gestis (in *Muratorii Script. Rer. It.* t. xii.), *Jo. Villani*, lib. xii. c. 50. *Heinr. de Rebdorff*, ad ann. 1345. See de Sade *Mémoires pour la Vie de Fr. Pétrarque*, t. ii. (Amsterdam, 1764. 4.) *Notes*, p. 21.—*Albert. Argent.* p. 130, even states: De quo crimine non solum uxor et Princeps Taranti, sed et Papa et aliqui Cardinalium tenebantur suspecti; and *Martinus Minorita* (in *Eccard Corpus Hist. Medii Aevi*, i. 1635): Hoc flagitium multi aemuli Papae et IV. Cardinalibus suis impingunt; Papa vero in die sanctae Coenae publice in Consistorio se de hoc crimine expurgavit, etc. The Pope had drawn this suspicion upon himself by his own behavior. During the inquiry enjoined by him, Joanna had taken some of the

against the Emperor the most terrible anathema (13th April, 1346); he summoned the electoral Princes to a new election;<sup>29</sup>

accused under her zealous protection, and the Pope himself complained, *praetermissum aliquorum solum supplicium* (Raynald. ann. 1346, no. 51); Clement promised the King of Hungary to set on foot a strict investigation about Joanna, as being her feudal lord. But when a Papal legate made his appearance with this view, he was sent back by Joanna (no. 56), yet Clement did not launch against her the ever-ready thunder-bolt of his excommunication. On the other hand, he threatened the King of Hungary with the ban, when he thought of invading Naples (no. 56).

<sup>29</sup> The bull of excommunication of Maundy-Thursday, April 13, is in Raynald. ann. 1346, no. 3, and in Schunk's *Beiträge zur Mainzer Gesch.* ii. 474 (the previous *Collatio*, the Pope's speech in consistory, is in Schunk, ii. 341). The penalties were here first enumerated, which Lewis had incurred as a condemned heretic. *Siquidem secundum condemnationem—praedecessoris praefatus Ludovicus infamis existit, nec ad publica officia, vel ad eligendos aliquos ad ea, aut ad testimonium perhibendum, vel ad haereditatem seu successionem alicujus est admittendus, nec testamenti habet liberam factionem; nullusque ipsi super quocunque negotio, sed ipse aliis est respondero cogendus: nullae causae ad ipsius sunt audientiam deferendae: sententiae quoque per eum latae nullam obtinent firmitatem: nullus advocatus in causis ejus patrocinium praestare, nullusque notarius pro factis sive causis ipsius publica debet conficere instrumenta. Omnis audientia est ipsi in quocunque negotio deneganda, omnisque proclamationis et appellationis beneficium ei est specialiter interdictum: universa ejus bona sunt perpetuo confiscata, ejusque filii et nepotes ad nullum sunt unquam beneficium ecclesiasticum, nullumque publicum officium admittendi. Cunctis fidelibus cum dicto Ludovico, nisi pro ipsius conversione et animarum salute, est communio interdicta; ipseque moriens carere debet ecclesiastica sepultura. Omnes saeculares potestates ipsum Ludovicum de terris eorum jurisdictioni subjectis pro viribus extirminare jubentur. Then follows the terrible anathema itself; *divinam suppliciter imploramus potentiam, ut Ludovici praefati confutet insaniam, deprimat et elidat superbiam, et eum dexteræ suae virtute prosternat, ipsumque in manibus inimicorum suorum et eum persequentium concludat, et tradat corruentem ante ipsos. Veniat ei laqueus quem ignorat, et cadat in ipsum. Sit maledictus ingrediens, sit maledictus egrediens. Percutiat eum Dominus amentia, et caecitate, ac mentis furore. Caelum super eum fulgura mittat. Omnipotentis Dei ira et beatorum Petri et Pauli, quorum Ecclesiam praesumpsit et praesumit suo posse confundere, in hoc et futuro saeculo exardescat in ipsum. Orbis terrarum pugnet contra eum: aperiatur terra, et ipsum absorbeat vivum. In generatione una deleatur nomen ejus, et disperat de terra memoria ejus. Cuncta elementa sint ei contraria. Habitatio ejus fiat deserta, et omnia Sanctorum quiescentium merita illum confundant, et in hac vita super eum apertam vindictam ostendant, filiique ipsius ejiciantur de habitationibus suis, et videntibus ejus oculis in manibus hostium eos perdentium concludantur. Porro quia Romanum Imperium—jam per longa tempora dignoscitur vacasse; nos hoc ulterius tolerare nolentes,—omnes et singulos Principes ecclesiasticos et saeculares, ad quos Regem in Imperatorem postmodum promovendum jus pertinet eligendi, praesentium tenore apostolica auctoritate monemus, districtius injungentes eisdem, quatenus sine morae dispendio pro electione Regis in Imperatorem postmodum promovendi de persona idonea facienda conveniant, et ad electionem ipsam procedere non postponant. *Alioquin sedes apostolica, a qua jus et potestas electionis praedictae ad Principes pervenit eisdem, super hoc de opportuno remedio providebit.* There is an especial call upon the electoral Princes, dd. 28th April, 1346, *ibid.* no. 9 ss. In this he declared Lewis, margrave of Brandenburg, incapable of taking part in the election; but as to the rest of the electors: *ille ex vobis, qui propter favorem—Ludovici essent forsitan praedictis excommunicationum sententis innodati, dummodo ab illis desistant,—ne dictum negotium (electionis) impediri valeat propter hoc, absolventur juxta formam Ecclesiae consuetam.***

but at the same time nominated a partisan of his own, the son of John, king of Bohemia, to be Roman Emperor, under the name of Charles IV. (22d April).<sup>30</sup> In order to win the majority of voices at the approaching election, he deposed Henry of Virneburg, archbishop of Mayence (7th April), and appointed in his place Count Gerlach of Nassau.<sup>31</sup> Measures of all kinds were tried to gain the rest of the electors;<sup>32</sup> and so Charles was actually appointed

<sup>30</sup> Before this time, during a stay of two years at Paris, in his youth, Charles had been united in close friendship with Clement, at that time Petrus Abbas Fiscanensis, and councilor to King Philip: he records himself, in the *Commentarius de Vita sua* in Böhmer's *Fontes Rerum Germ.* i. 235: *me multum caritative ac paterne confovebat, de sacra Scriptura me saepius informando.* When Charles was afterward on one occasion at Avignon, he lodged with him, then created Cardinal and Archbishop of Rouen (*ibid.* p. 261): *dixitque una hora mecum existens in domo sua: tu eris adhuc rex Romanorum.* Cui respondi: *tu eris ante Papa.* Quod utrumque secutum est, prout infra describetur. The conditions to which Charles had to pledge himself, as future King of Rome, at Avignon, 22d April, may be seen in Raynald. ann. 1346, no. 19 ss. E. g. *promitto et juro, quod omnes processus factos,—et quaecunque alia—gesta per Ludovicum de Bavaria, per Ecclesiam de haeresi et schismate justo iudicio condemnatum—nulla esse ac cassa et irrita pronunciaro et declarabo.* Then he guarantees all the possessions of the Church, also regna Siciliae, Sardiniae et Corsicae, quae de directo domino, jure et feudo ejusdem Romanae Ecclesiae esse noscuntur: nec aliquod dominium, jurisdictionem, superioritatem, servitutem, potestariam, capitaneatum, vel aliud officium, quocunque nomine censeatur, accipiam vel vindicabo—in praedictis Roma, regnis, provinciis, ducatus, comitatibus—et territoriis supradictis.—*Promitto ut supra, quod ante diem, mihi pro coronatione imperiali praefigendam, non ingrediar urbem Romanam, quodque—ipsa die, qua coronam hujusmodi recepero—dictam urbem—exibo cum tota—gente mea, et—extra totam terram Romanae Ecclesiae me recto gressu transferam versus terras imperio subiectas, nunquam postmodum ad urbem, regna praedicta Siciliae, Sardiniae, Corsicae,—vel alias terras Romanae Ecclesiae, nisi de speciali licentia sedis apostolicae accessurus.*—Item si per Henricum Imp. avum meum, vel per jam dictum Ludovicum, seu per quemcunque alium—fuerint aliqua ad jurisdictionem pertinentia attentata in Roma, regnis, etc., promitto et juro, quod illa omnia decernam et pronunciaro nulla: quodque si aliquae fidelitates, homagia,—donationes,—seu concessionem qualescunque a praedictis domino Henrico et Ludovico—factae fuerint vel receptae pro Roma, regnis, etc., illa omnia nulla fore pronunciaro, et quatenus processerunt de facto, totaliter revocabo.—*Promitto etiam bona fide, quod intrusos in Ecclesiis infra—imperium consistentibus, si—super hoc per vos dominum nostrum Papam—fuero requisitus, expellam ac pro posse faciam expelli de illis: et provisos per sedem apostolicam juvabo et faciam juvari, ut ad Ecclesias, quibus de eis per sedem apostolicam provisum est vel fuit, in futurum realiter admittantur.* F. M. Pelzel's *Kaiser Karl IV.* (2 Th. Prag. 1780. 81) i. 141.

<sup>31</sup> The Pope's *Collatio* in Schunk's *Beitrag zur Mainzer Gesch.* ii. 352. The bull of dethronement in Raynald. ann. 1346, no. 12 ss.

<sup>32</sup> Alb. Argent. p. 135: pro quo facto praedicti Coloniensis et dux Saxoniae magna pecunia sunt corrupti. Cf. Schaten, *Ann. Paderborn.* p. 310. That this is not a slander, as Raynald. ann. 1346, no. 31, states, is now proved by two records of John of Bohemia of June, 1346. In the one he promises the Elector of Cologne, in return for his vote, a great number of imperial grants, viz. 100,000 marks of silver, and in mortgage for them the city and province of Dortmund, and the wardenship of Essen, in Bodmann *Codex Epist.* Rodolfi I. Lips. 1806. 8. p. 339: in the second he promises to pay shortly 40,000 reals (*ibid.* p. 383).—Besides the electors received the Pope's absolution. Raynald. ann. 1346, no. 31. For the rest, Jo. Vitoduranus records, p. 78, as early as the year 1345: Tunc

by the voices of five electors at Rense (11th July).<sup>33</sup> This unworthy transaction could not fail to react upon the rest of the estates of the realm purely in favor of Lewis.<sup>34</sup> He gained so strong an ascendancy in the Empire that the priest's Emperor<sup>35</sup> was obliged to fly into France.<sup>36</sup> Even after the death of this bold Emperor (11th Oct. 1347),<sup>37</sup> Charles did not at once reach the end he had in view. The Pope's absolution, which he brought with him into Germany to win the people's favor, only made him contemptible in their eyes.<sup>38</sup> The most pious men considered the

temporis religiosi et saeculares Clerici, qui divinum cultum in locis imperialibus vel aliis interdicto suppositis resumpserant, absolutionem ab hoc a Romana Curia impetrarunt, aliis Clericis in eisdem locis libere et absque pavore in celebratione persistentibus. Hujusmodi autem absolutio pro uno florensi facillime obtinebatur. O quam lamentabilis et execrabilis scissura et difformitas Ecclesiae illis in temporibus facta est! Hoc verbum Evangelii: *gratis accepistis, gratis date*, irritum visum est.

<sup>33</sup> The new Archbishop of Mayence had issued the summons for the election from Metz on the 20th May, see the documents in Bodmann, p. 382. As regards the election itself, see Alb. Argent. p. 135.

<sup>34</sup> Alb. Argent. p. 139. Detmar's Chronik, i. 260: De Keiser unde de Biscop van Megence, beyde olde wyse Heren, droghen wol overen; se leten den Paves bannen, so vele he wolde, se droghen Kronen al like sachte, se helden guden Brede. By deme Ryne weren de groten Stede alle willich, unde bereden sik to deme Keisere, umme dat he was bequeme unde vrede sam. In deme Brede ging eme to grot Rikedom; des vruchteden eme sine Viande. Jac. v. Königshoven, s. 180: Donoch besamete Keyser Ludwig alle Stette und Herren von dem Ryne und Swoben und Franken zu Spire, und frogete sū, ob sū in woltent haben für einen Keyser, oder Karlen, den die Kurfürsten erwelet hettent. Do entwurtent die Stette und Herren alle, sū woltent in für einen rehten Keyser haben, und woltent sich an des Karlens Erwelung noch an des Boestes Briefe nūtschet keren. Zirngibl. s. 513.

<sup>35</sup> Jo. Villani, xii. c. 59: per dispetto della detta elezione per li più si chiama *lo' imperadore de' preti*.

<sup>36</sup> Jo. Vitoduranus, p. 80: perterritus a coepto itinere et opere realliens, ad Regem Franciae protinus refugiebat.

<sup>37</sup> It is worthy of note that several popes of later times, e. g. Eugene IV., Innocent VIII., Alexander VI., also the Council of Basle, speak of him with honor as, *Divae memoriae Ludov. Rom. Imperatorem*, see Herwart, praef. p. viii. He is worst abused by Bzovius, Ann. Eccl. I. i. 412 ss., who provoked the refutations of Herwart and Gewold, and was forced to recant by Maximilian, duke of Bavaria (see Bayle, Dict. art. Bzovius). But also Raynald, and even Muratori Annali d'Italia t. viii., designate the years from 1314–1346 as—*vacante Imperio*.

<sup>38</sup> Albert. Argent. p. 142: Venit autem Rex Basileam in vigilia Thomas anno Dom. 1348, ubi interdictum papale diu servatum fuit, nec Basilienses eum recipere intenderant, nisi divina rehaberent. Et ecce in sero venit Marquardus de Randecke Praepositus Babenbergensis de Curia Avinionensi, ferens commissionem factam Babenbergensi Episcopo, et absolutionibus et relaxationibus impendendis.—Summa autem commissionis Babenbergensi Episcopo factae talis erat: *Cum multi, qui sententias, processus et poenas Joannis Papae, inflictae adhaerentibus quondam Ludovico de Bavaria haeretico et de haeresi damnato, [incurrerunt], redire cupiant ad Ecclesiae unitatem: committimus tibi, ut, qui confessi fuerint errores suos confessatos et non confessatos, et poenas, quas inciderunt ex-olite, vel implicate, et juraverint, deinceps fidem catholicam habere, et fideles fore sedi apostolicae, et nulli deinceps haeretico vel schismatico favere, et credere, quod non spectat ad Im-*

Pope's conduct toward Lewis unrighteous, and the interdict laid upon Germany invalid.<sup>39</sup> They wanted no Emperor, who served

*peratorem, Papam deponere, et alium creare, sed hoc haeresim esse damnatam: et quod nullum pro Imperatore habebunt, nisi per sedem apostolicam probatum, nec relictas (the widow) et liberis ipsius Ludovici favebunt, nisi cum Ecclesia reformatur, et Carolo Romanorum Regi per sedem approbato parebunt; ab hujusmodi sententiis et poenis absolvas, etc.* (Cf. Raynald. ann. 1349, no. 15.) Visa autem forma hujusmodi dura omnibus displicente, aliqui consuluerunt, eam non acceptandam esse per Regem, sed occultandam, et pro alia forma Papae scribendum. Sed quia timor erat, Basilienses non juraturos Regi, nisi reformarentur divina, rescriptum oportuit exhiberi. Cum autem cives nec errores vellent fateri, nec secundum formam jurare; clerus autem, quasi poenitens quod cessavit etiam non tam [*leg. etiamtum*], occasionem quaereret celebrandi, animo nunquam mandata similia receptandi: ecce comparuerunt Magistri et Consules Basilienses coram Rege, et praedictis Episcopis;—coram quibus Chunradus de Berenvels, magister civitatis, nomine universitatis vulgariter coram tabellione proposuit in haec verba: Domine Bambergensis, sciatis, quod nec fateri nec credere volumus, quod quondam dominus noster Ludovicus Rom. Imp. unquam fuerit haereticus. Quemcunque etiam nobis dederint Principes Electores, vel major pars ex eis, pro Romanorum Rege vel Imperatore, illum pro tali habebimus, etiamsi nunquam Papam requireret: nec quicquam aliud faciemus, quod sit contra jura Imperii quovis modo. Sed si habetis potestatem a domino Papa, quod vultis nobis remittere omnia peccata nostra, placet. Et convertens se ad populum, dixit: datis mihi et Chunrado Monacho potestatem petendi, ut absolvamini a peccatis vestris? Qui dicebant: placet nobis. Nec aliud procuratorium habuerunt. Qui duo milites seorsum coram Secretario Papae, Joanne de Pistorio praesente, juraverunt secundum mandati formam, sicque relaxatis procesibus divina publice sunt reassumpta, civesque Regi solitum praestiterunt juramentum.—Civitates autem, praesertim Argentina, exasperatae fuerunt propter formam hujusmodi.—When Charles came to Worms where the interdict had not been hitherto observed, the clergy received absolution, and now refused to celebrate Divine service for the people: but factus est tumultus, clausis portis omnibus populus ad hospitium Regis, ad quod Bambergensis confugerat, armatus accessit, ipseque Bambergensis mandante Rege territo omnem clerum et populum Wormatiensem sine omni conditione et juramento absolvit.—Post haec Rex ivit Moguntiam, ubi sub pacto, ne introduceret Gerlacum provisum Papae, vel aliquas legi literas permitteret, honorifice est receptus.

<sup>39</sup> Daniel Specklin, civic architect at Strasburg († 1589), relates in his *Collectanea in usum Chronici Argent.* MS. on the year 1360 (Joh. Tauler by Dr. C. Schmidt, Hamburg, 1841, s. 53), that Tauler and his two friends, the Augustine monk Thomas of Strasburg and the Carthusian Ludolph of Saxony, were dragged before the Emperor Charles IV., when he came to Strasburg accompanied by several bishops, to answer for two works. During the interdict they had required all priests, in a letter, to comfort the sick by directing their thoughts to the death of Christ, who represents all of us before God. "Und kunte der Papst den Himmel vor armen Sündern, so unschuldig im Bann wären, nit zuschliessen. Wer dann seine Sünd beicht, die Absolution und das heilig Sacrament begerte, sollten sie ihm solches reichen und ihn trösten, und wär mehr uf Christi und seiner Apostel Wort zu gan, denn uf den Bann, welcher allein aus Neid und weltlichem Ehrgeiz geschehe." In another pamphlet, directed to the clergy, they had said, "dass zweierlei Schwerter waren, ein geistliches, welches wäre Gottes Wort, das ander die weltliche Oberkeit, und hätte keins mit dem andern zu thun; diewil sie alle bede von Gott waren, können sie nit wider einander sein.—Warum sollte den die Oberkeit von Geistlichen verdammt werden, dan also würde Gott sein Werk selbs verdammen. Wo aber ein weltlich Haupt sündigt, gebürt dem Geistlichen den Sünder auf den rechten Weg zu weisen mit grosser Demuth, und Gott Dag u. Nacht mit Zähren anliegen, dass der Sünder wiederum von seinem Weg umkehre, zu wahrer Erkenntnuas seiner Sünden komme: dan Gott nit den Tod des Sünders begert, sunder dass er sich bekehr u. lebe.—Noch vil weniger gebürte einem christlichen Hirten, wan Einer des Bann schuldig,

the priests, but one to drive them back within their original limits.<sup>40</sup> The Bavarian party raised up Günther of Schwarzburg to

dass man unschuldige arme Leut, die etwan den Schuldigen nit kennen noch gesehen haben, ja ganze Lander, Städt, Dörfer, alles ohn Unterscheid verbanne und verdamme. —Dass aber alle die dem Papst müssten Ketzler sein, die ihme die Füß nit wollten küssen, oder dass solchs ein Artikel des Glauben, und ein Abtrünniger von der Kirchen, welcher durch ordentliche Wahl der Churfürsten sich ein König oder Keisser nennt u. sein Amt versehe, auch alle die, als ihme von Gott verordneter Oberkeit Gehorsam leisten, wider die Kirch sündigten u. Ketzler wären, kunnte mit göttlicher Geschrift nit bebrocht werden. Oberkeit ist ein Stand von Gott, dem man in weltlichen Sachen solle gehorsamen, auch die heistlichen, es sey wer es wolle. Der Keiser ist die hoste Oberkeit, darum ist man ihme Gehorsam schuldig; regiert er nit recht, muss er Gott Rechenschaft darum geben, un nit der arme Underthane. So wenig als Gott von den—Underthane—wird Rechenschaft fordern, also wenig kann man arme unschuldige Underthanen von wegen ihrer Oberkeit bannen noch verdammen. Derhalben alle die den wahren christlichen Glauben halten, u. allein an der Personen des Papst sündigen, sind keine Ketzler.—Daraus ist schliesslichen, dass alle, die in unrechtem u. unschuldigen Bann sind, frey vor Gott sind, dann ihr Vermaledung kehrt sich zur Benedeung!" The bishops condemned these doctrines, and Tauler betook himself to Cologne. When, however, in March, 1350, Strasburg sent deputies to the Papal court to request entire release from the interdict, they were charged to promise nothing (Wencker, *Collecta Archivi et Cancellariae Jura*, p. 155), "das wider das römische Rich oder sine Recht oder sine Ehre, oder wider gemeinen Nuts, oder wider unser oder unsere Städte Recht, Freiheit oder Ehre in deheinen Weg si."

<sup>40</sup> This feeling found its chief expression in the hope of the return of Frederick II., which was now once more awakened with renewed vigor (see Div. 2, § 90, note 40), as Jo. Vitoduranus represents it, p. 85, on the year 1248, his concluding year, and so from his own immediate observation: In his temporibus apud homines diversi generis, immo cuncti generis multos valde assertissime vulgabatur, Imperatorem Fridericum secundum hujus nominis ad reformandum statum omnino depravatam Ecclesiae venturum in robore maximo potentatus. Adjiciunt quoque homines praedicta sentientes, quod necesse sit eum venire, si in mille partes secatus esset, immo si in pulverem per combustionem redactus foret, eo quod divinitus sit decretum ita debere fieri, quod immutari impossibile est. Secundum igitur istam assertionem cum resuscitatus ad Imperii sui culmen reversus fuerit, puellae vel feminae pauperi in matrimonio junget virum divitem, et e converso; moniales et sorores in saeculo degentes maritabit, monachos uxorabit; pupillis, orphanis, viduis omnibus et singulis spoliatis res ablatas restituet, cunctisque faciet justitiae complementum. Clericos persequetur adeo atrociter, quod coronas et tonsuras suas stercore bovino, si aliud tegumentum non habuerint, obducent, ne appareant tonsorati: religiosos, qui denunciando processus papales contra eum, praecipue fratres minores, ipsum de Imperio repulerant, de terra fugabit. Post resumptum Imperium justius et gloriosius gubernatum quam ante, cum exercitu copioso transfretabit, et in monte Oliveti, vel apud arborem aridam (Matth. xxi. 19) Imperium resignabit. The narrator, indeed, calls this hope, dementia magna et fatuitas; but that to him—a Franciscan—and so probably to a large part of the nation, the very thoughts from which this expectation rose at that time, were far from strange is clear from his poetical effusion, p. 69:

Ecclesias capita nimis extant obtenebrata,  
 Delirant penitus Sathana delusa patenter,  
 Disceptant pariter, quod vigeat latius,  
 Primum Romanus Caesar, sed Papa secundum.—  
 Dimissis rebus caelestibus atque beatis  
 Contendunt regnis pro terrenis capiendis,  
 Schismata quod dederat perniciose satis.  
 Alter in alterius messem falcem male mittit:  
 Neuter jure suo contentari bene sentit:



dispute the throne with him.<sup>41</sup> Charles was obliged to win over his adversaries by concessions of every kind;<sup>42</sup> he was even yielding enough to allow himself to be elected and crowned a second time (July, 1349).<sup>43</sup>

Meanwhile, Joanna of Naples had sold the province of Avignon to Clement (1348), to raise money for her war against Lewis of Hungary.<sup>44</sup> The Pope at last contrived that both parties should

Hinc pereant animae, vivere quae poterant.—  
 Rex Constantinus cum successoribus ejus  
 Si Papae regna tam pingua non tribuisset,  
 Tunc humilis staret, simplicitate pia.  
 Hinc non immerito vox caelestis resonabat:  
 Nunc est in mundum virus miserabile fusum,  
 Unde perit concors Ecclesiae bonitas.  
 Sed quia dotavit Caesar nimis atque ditavit  
 Fertilibus terris Papas, ideo tumuerunt,  
 Et cupidi certant carpere plura bona.  
 Rex gliscit terras sibi cunctas suppeditari,  
 Multo plus Papa cupit ipsis praedominari.  
 Haec pestis saeva causata avaritia.  
 Ecclesiam nummus vilem fecit meretriciosam,  
 Nam pro mercede scortum dat se cupienti:  
 Nummus cuncta facit, nil bene justitia.

<sup>41</sup> Alb. Argent. p. 145-152.

<sup>42</sup> Among these at this time were also included (Jo. Vitodur. p. 46), *relaxatio interdicti*, dispensationes, absolutiones ab excommunicationibus, suspensionibus, irregularitatibus contractis et ab aliis censuris ecclesiasticis. Haec beneficia administrabant hominibus Praelati plures in diversis partibus terrae Teutoniae, quibus Papa ea commisit. Hae autem gratiae tantum impertiebantur hominibus Regi juratis a Praelatis. The sons of Lewis remained longest in excommunication; for, although the Emperor Charles so early as 1349 had concluded a treaty with them (Buchholtz, Gesh. d. Churmark Brandenburg, ii. 430), still the sentence rested upon them because of the injuries of the bishopric of Lebus; see Wohlbrück's *Gesch. des ehemal. Bisthums Lebus* (Berlin, 1829, 3 Th.), i. 444. Still, how little the interdict was regarded in the March, by clergy and laity, may be seen from the renewed bull of excommunication of 14th May, 1350 (in Buchholtz, Bd. 5, Anhang, s. 82). Lewis the Roman, elector of Brandenburg, was absolved in 1354 (Wohlbrück, i. 490); the elder brother, Lewis, duke of Bavaria, in 1359 (Raynald. ad h. a. no. 7).

<sup>43</sup> This was the case, according to Heinricus de Rebdorf, ad ann. 1349. Olenschlager's *Staatsgesch.* s. 411; on the other side, Pelzel, in his *Kaiser Karl IV.*, 1, 266, denies this second coronation.

<sup>44</sup> Joanna, unchaste in the highest degree, without waiting for the Papal dispensation, as soon as 20th August, 1347, was married again to her kinsman, Lewis of Tarentum (see Jo. Villan, xii. c. 98, in Muratori, xiii. 976. Matth. Palmerius, de Vita Nicol. Acciajoli. Ibid. p. 1207); and now, being driven from Naples by Lewis of Hungary, she came to Avignon in search of help. Although she here persisted in declining all examination as to the murder of her husband (Raynald. ann. 1348, no. 11), nevertheless the necessary dispensation for her marriage was included in that bargain: *Tertia vita Clementis VI.* (Baluz. i. 292): *Regina autem cum filio Principis Tarentini matrimonium propria auctoritate contraxit, qui se secundo gradu consanguinitatis attingebant. Tandem ad Romanam curiam venientes pro dispensatione obtinenda, obtinuerunt. Ipsi vero multum gravati super expensis, non inveniebant consilium de quo possent ad locum proprium [redire]. Quod dictus Pontifex circumspexit et providus velut Argus advertens, tanquam ille quem selus domus Domini comedebat, opportunis exquisitis tractatibus et*

recognize him as arbitrator: he decided in favor of Joanna, and she mounted again her blood-stained throne (1351).<sup>45</sup>

§ 101.

INNOCENT VI. (16TH DECEMBER, 1352—12TH SEPTEMBER, 1362.) URBAN V. (28TH OCTOBER, 1362—19TH DECEMBER, 1370.) GREGORY XI. (30TH DECEMBER, 1370—27TH MARCH, 1378.)

Much sound knowledge about the state of the Church and of the Papal See was, indeed, evoked and spread abroad by the Pope's contest with Lewis the Bavarian;<sup>1</sup> but internally these convictions were still deficient in congruity, and especially in a firm basis of proof; while externally they lacked a centre of union, and the sense of power and security. Accordingly, during this struggle men's higher convictions were not seldom disavowed from political reasons; and the issue of this contest, apparently fulfilling the Pope's utmost expectations, taught the princes once more that the time was not yet come for a decisive struggle with the Papal See. But, on the other side, the popes also felt that public opinion, the strongest support of their power, was beginning to fall away from them. Thus, instead of that terrible implacability

*cautis intermediis viis, civitatem Avenionensem—omni modo juris meliori quo potuit emit a Regina praedicta pro pretio invicem concordato. Et sic Regina et ejus socius per venditionem hujusmodi pecunia redundantes simul in regnum redierunt. Matth. Palmerius, p. 1208: jura dominatus, quae Regina in civitatem populumque Avenionensem habebat, Romano Pontifici vendidit, et ab eodem tunc primum Pontifice Ludovico titulos Regios accepit. The purchase-money was 80,000 gold florins; the documents of 9th June, 1348, are in Bzovii, Ann. Eccl. ad h. a. no. 10. Leibnitii, Cod. Jur. Gent. i. 200.*

<sup>45</sup> Matth. Villani, ii. c. 24, c. 41, c. 65. Raynald. ann. 1350, no. 27; 1351, no. 32; 1352, no. 1.

<sup>1</sup> Particularly in France. That the Pope had no power over princes in secular affairs, was a maxim generally acknowledged in this country since the time of Philip the Fair, and about 1370 at the command of King Charles V. was proved at length by Raoul de Praelles, Conseiller et Maistre de Requestes, in the Tract. de Potestate Pontificali et Imperiali seu Regia (in Goldasti Monarchia, i. 39). Yet more remarkable is the *Somnium Viridarii de Jurisdictione Regia et Sacerdotali* (translated into Latin in Goldasti Monarchia, i. 58; the French original is in the *Traitez des Droits et Libertez de l'Eglise Gallicane*, il. 1), dedicated about the same time by an unknown author to King Charles V., in which the encroachments of the clergy and the Pope are defended by a *Clericus* and attacked by a *Miles*. The views of the latter, who even (p. 79) describes the original equality of all bishops, and the gradual rise of the Papal power, quite in the style of Marsilius Patavinus (see above, § 99, note 15), are evidently those of the author, and are maintained with superior proofs. The dreamer, indeed, at the end leaves all to the decision of the Roman Church: *illud credo, teneo et firmiter profiteor, quod ipsa sacrosancta Eccl. Romana credit, tenet atque profitetur: necnon et illud teneo et credo verum, quod ipsa duxit statuendum in Extravaganti quae incipit Unam sanctam*; but the mention of the bull, *Unam sanctam*, to a king of France seems almost to indicate irony.

which Lewis the Bavarian experienced, we now find a mild forbearance toward powerful offenders; such, for instance, as Peter the Cruel, king of Castile,<sup>2</sup> which, content with the shadow of a satisfaction, was ever ready for reconciliation.

In the States of the Church the popes lost their influence, partly because they were far away, partly because they were foreigners, and the nobles seized on the highest power. In Rome, for a short time, the nobility was restrained by the adventurous Cola di Rienzi (1347);<sup>3</sup> a host of petty principalities grew up in the provinces.<sup>4</sup> Innocent VI. sent thither at last the warlike cardinal, Aegidius Albornoz, 1353, to reconquer the States of the Church.<sup>5</sup> Charles IV., who undertook his campaign to Rome in 1354, true to his former promises, contented himself with receiving in Italy the empty honor of two crowns, without availing himself of the opportunity of restoring justice.<sup>6</sup> So that ecclesiastical general

<sup>2</sup> Who, indeed, violated the laws of God more than the Papal interest. This monster, whose whole reign was a chain of shameful deeds, soon after his marriage put away his wife Blanche, for the sake of a courtesan, Maria de Padilla (1353); then he had himself divorced from her by two suffragan bishops, and married a third person (Raynald. 1354, no. 21). Now at last the ban followed (ibid. 1355, no. 29): as at the same time some dangerous riots arose, Peter took Blanche back again, but only to divorce her once more soon after (ibid. no. 31). The tyrant now heaped murder upon murder. The Pope only interceded in behalf of Blanche with prayers and remonstrances (Rayn. 1356, no. 38; 1357, no. 10); he threatened, indeed, more in earnest, when Peter confiscated the property of certain cardinals in his kingdom (ib. 1356, no. 40); but his chief effort was to rescue his vassal, Peter of Aragon, from the overpowering might of Castile. A legate negotiated a truce: when Peter of Castile broke it, he was excommunicated (ibid. 1357, no. 9): still the Pope continued to invite him, as *carissimum in Christo*, to peace with Aragon by a new legate (ibid. 1359, no. 2). Peter yielded, that he might make war upon the Moors. He answered the Pope's request that he would take his wife again by having her poisoned (ibid. 1361, no. 6). He soon broke the peace with Aragon, and butchered the inhabitants of Calatajuba, a city of Aragon, which did not at once surrender. The excommunication pronounced by the legate on this account (ibid. 1362, no. 18), was quickly forgotten; and Urban V. overwhelmed the tyrant with fulsome praise, when he offered him his help against the mercenary robber-bands which threatened Avignon (ib. 1365, no. 7), though all the Pope's endeavors to negotiate peace between him and Aragon (ib. 1364, no. 18; 1366, no. 30) remained fruitless.

<sup>3</sup> Cola di Rienzo u. s. Zeit, chiefly compiled from unprinted sources, by Dr. F. Papencordt. Hamburg and Gotha, 1841.

<sup>4</sup> Compare Clement VI.'s bull of 16th July, 1346, *Etsi solertem* (Bullarium, Rom. i. 802), against the *civitates* and *singulares personae*, which, *civitates, castra et villas patri-monii b. Petri in Tuscia, eorumque dominium, superioritatem, advocacionem, capitaneatum et jurisdictionem non verentur diversis exquisitis coloribus occupare*.

<sup>5</sup> With regard to his enterprises, see especially Matteo Villani, from lib. iii. c. 84, onward. Schlosser's Weltgesch. iv. i. 408, 618. Papencordt, s. 277.

<sup>6</sup> How the hopes of the Italians were disappointed in him, see Petrarchae Epist. 3-5 (in Goldasti Monarchia, ii. 1350 ss). Ep. III. : Ergo tu Caesar, quod avus tuus innumerique alii tanto sanguine quaesierunt tantisque laboribus, sine labore adeptus complanatum apertamque Italiam, patens limen urbis Romae, sceptrum facile, imperturbatum ac pa-

was able to bring back the whole States of the Church to obedience without resistance. When, however, he finished his work (1360) by wresting Bologna from the powerful Bernabo Visconti, ruler of Milan,<sup>7</sup> then he met with a foe to whom all fear of the Church and Papacy was as unknown<sup>8</sup> as to the mercenary bands which at that time, by turns, served the nobles in their wars and pillaged on their own account.<sup>9</sup> Urban V., indeed, hurled his ban against him with the most grievous complaints, and proclaimed a crusade against him (1363);<sup>10</sup> but soon after he found it advisable

*cificum Imperium, incruenta diademata,—hæc linquis, et—ad barbarica rursus regna revolveris? Non audeo clare tibi dicere, quod mens resque exigunt, ne te verbo contristam, qui me et mundum facto contristas tuo.—O si in ipsis Alpium jugis avus tibi nunc paterque fiant obvii, quid dicturos putas?—Profecisti eximie, ingens Caesar, hoc tuo per tot annos dilato in Italiam adventu, et festinato abitu refers demum istud ferreum, illud aureum diadema, simul ac sterile nomen Imperii. Ep. IV.: vereor ne—jam Pontifex Romanus Principem Romæ esse vetuerit, quod et fama loquitur, et fuga Caesaris indicio est, qui non cupidius Italiam petiit, quam reliquit.*

<sup>7</sup> Clement VI. in 1362 had been obliged to deliver over Bologna to John Visconti, archbishop and lord of Milan, and his family for twelve years (Raynald. ann. 1362, no. 7 ss.). The legate wrested the town by craft from Bernabo before the expiration of this time (Matteo Villani, ix. 74 ss. Raynald. ann. 1360, no. 6 ss.).

<sup>8</sup> Jacob. v. Königshoven, s. 203, represents Urban V. as complaining to the Emperor Charles IV. "das er vor e er Bobest wart, eines moles wert gesant zu den Herren von Meylon und brohte den Briefe von des Bobestes wegen. Dise Briefe gevielent den Herren von Meylon nüt wol. dovon hiessent sù disen Urbanum die Briefe essen, und do tent ime ouch vile andere Smocheit, und hiessent in balde enweg varn. Dis muste Urbanus alles tun."

<sup>9</sup> Des grandes Compagnies au XIVième siècle, par M. E. de Fréville, in his Bibliothèque de l'Ecole des Chartes, t. iii. (Paris, 1841. 42), p. 258. André, Hist. Politique de la Monarchie Pontificale au XIVième siècle, p. 402. Schlosser's Weltgesch. IV. i. 392-594. Urban V. summoned aid against these bands which devastated the south of Franco (Raynald. 1364, no. 15), but he was soon after obliged to buy off one of them, which threatened Avignon, at a great price (Raynald. 1365, no. 7).

<sup>10</sup> The bull of 30th Nov. 1362, in which Bernabo was cited, is full of the most grievous charges (Raynald. ad h. a. no. 12), e. g. Robertum Archiepiscopum Mediolanensem, pro eo quod quendam monachum—noluerat—ad ordinem promovere, ad suam praesentiam accedere compulerat, omnique reverentia Dei et officii pontificalis abjecta, eidem Archiepiscopo sermonibus contumeliosis, multis ibidem praesentibus, dixerat: *Genus fectè ribalde* (good-for-nothing fellow); et cum sic genuflexus existeret, adjecerat: *Nescis, pultrone* (poltroon), *quod ego sum Papa et Imperator ac dominus in omnibus terris meis, et quod nec Imperator, immo nec Deus posset in terris meis facere, nisi quod vellem?*—Ipsumque Archiepiscopum deinde post multa ignominiosa opprobria sibi dicta in quadam camera recludi ausu sacrilego fecerat.—Per civitates, castra, villas et loca, quae tenebat, fecerat etiam publice proclamari, quod nullus—sub poena concremationis ad dicti praedecessoris (Innocentii VI.), seu etiam—apostolicae sedis legati curias praesumeret accedere, aut inibi gratiam vel aliud impetrare, seu eidem praedecessori, aut dicto legato de aliquibus—respondere, aut dare consilium, auxilium vel favorem; quodque absque ejus vel cujusdam sui familiaris Gerardoli nomine, quem vulgus Papam nominat, licentia nulla electio—seu provisio fieret in Ecclesiis ac Monasteriis:—apostolicas et legatorum apostolicae sedis ac inquisitorum haereticae pravitatis literas et processus, ac etiam literas clausas, quae jam dicto praedecessori et eidem Cardinalibus—de diversis mundi partibus mittebantur, aperiri, legi, et saepissime lacerari, eorumque latores capi et carceri-

to make peace with the desperate Italian on equal terms (1364).<sup>11</sup> Soon after the Papal See had to rue its dependence upon France for another reason; England, out of hostility to this country, released herself from her former tribute-money.<sup>12</sup> So Urban V. had reasons enough for taking up his abode once more at Rome (1367). But five French cardinals remained at Avignon,<sup>13</sup> and Urban was induced soon after to return thither again in person (1370).<sup>14</sup>

*bus mancipari.* Besides, according to Raynald's account, the Pope complains: *varia crudelitatis genera a Bernabone in sacerdotes et viros religiosos injuste exercita, alios in cavea ferrea flammis exustos, alios in equuleo discruciatos, alios amputatos capite, etc.—eo etiam prorupisae, ut Parmensem sacerdotem turrim conscendere, atque ex ea Innocentium VI. et Cardinales anathemate defixos proclamare cogeret: ad suam vero ac suorum satellitum avaritiam satiandam in bona ecclesiastica adeo grassatum, ut plures sacerdotum vectigalibus exuti divina ministeria abjecerint, etc.* As Bernabo disregarded the summons, he was condemned 5th March, 1363, Raynald. ann. 1363, no. 2: *velut haeticum condemnamus, decernentes,—eundem Bernabonem militari cingulo, ac omnibus honoribus,—bonis et juribus suis universis et singulis fore privatum, ac universis poenis—promulgatis adversus haeticos subjacere, et eum velut haeticum, et ab Ecclesia Dei praecium ab omnibus Christifidelibus evitandum.* Cf. Matteo Villani, xi. c. 41. The bull for the crusade appeared in July (Raynald. l. c. no. 4).

<sup>11</sup> Raynald. ann. 1364, no. 3. Compare only the preamble of the treaty of peace: *In nomine Domini Amen.* Suborta dudum inter reverendissimum in Christo patrem et dominum, dominum Aegidium Episcopum Sabinensem A. S. L. nomine Romanae Ecclesiae occasione vicariatus civitatis Bononiensis ejusque districtae et ex aliis causis, et magnificum dominum Bernabonem de Vicecomitibus Mediolan. gravis et nociva dissensio, et deinde inter eandem Ecclesiam—et praefatum dominum Bernabonem—guerra pestifera inde secuta quasi totam provinciam Lombardiae ac partes vicinas in discrimine posuerunt. Et tandem pro hujusmodi guerra sedanda—intervenientibus invictissimo domino, domino Carolo IV.—Imp.—ac serenissimis dominis, dominis Joanne Franciae, Ludovico Ungariae, ac Petro Jerusalem et Cypri illustribus Regibus—partes ipsae super concordia et pace hujusmodi convenerunt. Among the conditions, according to Raynald's account, was, remissae inprimis acceptae illatae injuriae; thus all censures against Bernabo were revoked, and he was recognized in all his former honors. Bernabo had indeed to resign, on account of his powerful mediators, his possessions in the territories of Bologna, Modena, and Ramandiola; but the Pope was obliged to promise 500,000 gold florins in compensation.

<sup>12</sup> In 1365 Urban made application for this tax, which had been in arrears ever since 1332 (Raynald. 1365, no. 13). Edward III. in answer obtained a decision from his Parliament in 1366 (Rotuli Parliamentorum tempore Edwardi R. III. p. 290): *qe le dit Roi Johan ne nul autre purra mettre lui ne son Roialme ne son Poeples en tiele subjection saunz (sans) Assent de eux, et come piert par plusours Evidences, qe si ce feust fait ce feust fait saunz lour Assent, et encontre son Serment en sa Coronation. Et outre ce, les Ducs, Countes, Barons, Grantz et Communes accorderent et garantirent, qe en cas qe le Pape se afforceroit ou rien attemperoit par Proces ou en autre manere de fait, de constreindre le Roi ou ses Subgitz de perfaire ce qe est dit q'il voet clamer celle partie, q'ils resistront et contresterront ove toute leur peussance.*

<sup>13</sup> As the fleet put to sea from Marseilles, the cardinals who accompanied him called out in grief (Petrarchae, Rer. Senil. lib. ix. ep. 2, to Brunus, a papal secretary): *O malum Papam, o patrem impium, quoniam terrarum miseris filios rapit?* non quasi ad Christianitatis unicum ac supremam arcem, urbem Romam—sed quasi Ctesiphontem aut Memphum Saracenorum in carceres traherentur.

<sup>14</sup> As he declared to the Romans (Raynald. 1370, no. 19), *ex certis causis non solum*

Bernabo Visconti was thus again encouraged to invade the Papal territory. Gregory XI., indeed, pronounced the anathema against both brothers, Galeazzo and Bernabo (1272).<sup>15</sup> But as at the same time he closed the long struggle against the Aragonian rulers of Sicily, by the recognition of Frederick III. as King of Trinacria,<sup>16</sup> he gave his adversaries a fresh proof that spiritual weapons were not invincible in Italy. The cities of the Ecclesiastical States, also dissatisfied with the Pope, and oppressed by their governors, soon reasserted their independence, and entered into an alliance with the Florentines and the Visconti (1275).<sup>17</sup> While Charles IV. humbly recognized the rights lately usurped by the popes over the empire,<sup>18</sup> Gregory XI. was unable to re-establish the unques-

utilibus pro universali Ecclesia, sed etiam urgentibus; but Petrarch (*Rer. Senil. lib. xiii. ep. 13*) clearly points out the urgency of the French cardinals as the cause. Petrarch had written to the Pope soon after his arrival in Rome a letter of congratulation, in which Rome was extolled far above Avignon (*Rer. Senil. lib. ix. ep. 1*). Now, upon the Pope's return, there appeared an *Invectiva in F. Petrarcam* (*Opp. ii. 1060*), written in praise of Avignon by an anonymous Frenchman, which Petrarch answered in 1272 with an *Apologia contra anonymi Galli calumnias* (*l. c. p. 1068*).

<sup>15</sup> Raynald. 1272, no. 1 ss. With regard to the frightful cruelties which Bernabo practiced in return upon the clergy of the Pope's obedience, see the narration in another bull in Raynald. 1278, no. 10. He often said, *quod ipse in terris, quas detinet, intendit esse Papa et etiam Imperator*.

<sup>16</sup> Boniface VIII., in 1268, had granted the island to Frederick II. only for his lifetime (see *Div. 2, § 59, note 80*): nevertheless, Frederick had his son Peter crowned as his successor (Raynald. ann. 1271, no. 40). Even Frederick was laid under ban and interdict as an ally of Lewis of Bavaria (*l. c. 1229, no. 88*); and these censures continued under Peter II. (1237-42), Lewis (to 1255) and Frederick III. as reigning in defiance of right, without accomplishing the end in view. Joanna of Naples now concluded a treaty with Lewis (Raynald. ann. 1272, no. 5), and the Pope sanctioned it with certain alterations and additions (*ibid. no. 7 ss*). Frederick, and his issue male, was to hold the island in fee, with the title of King of Trinacria, immediately from Joanna, but secondarily from the Roman See, as the *superior et directus dominus*; to take the oath of fealty to both, to respect the freedom of the Church, etc.

<sup>17</sup> *Prima Vita Gregor. XI. in Baluz. i. 434*: Eodem tempore communitas Florentina contra dictum Gregorium Papam et Romanam Ecclesiam insurrexit, doloseque et malitiose operata est, quod fere omnes civitates et loca alia, quae ad dictam Ecclesiam in Italia pertinebant, ei se confoederaverunt, et colligaverunt, in unumque convenerunt, ut amodo excusso a se quocunque alio superiori vel domino, in sua libertate viverent et permanerent; factoque vexillo, in quo solum magnis literis erat descripta *Libertas*, ordinaverunt magnam gentem armigeram, quae cum vexillo hujusmodi dictae ligae adhaerere volentes confoveret, resistentes vero vi et potentia ad eam sectandam comprimeret et arctaret. Schlosser's *Weltgesch. IV. ii. 358*.

<sup>18</sup> He prayed the Pope's permission, 6th March, 1276, to have his son Wenceslaus chosen King of Rome, cum ad hujusmodi electionis celebrationem nobis viventibus procedi non valeat sine vestris beneplacito assensu et gratia ac favore; and Gregory answered on 3d May: ut electio praedicta modo praemisso *hac vice dumtaxat* valeat celebrari, nostrum beneplacitum, assensum ac favorem et gratiam auctoritate apostolica tenore praesentium impertimur. See Raynald. 1276, no. 13. Leibnitii, *Cod. Jur. Gent. Mantissae, P. ii. p. 260 ss*.

tioned claims of the See in Italy, either by the severest interdicts,<sup>19</sup>

<sup>19</sup> The bull of excommunication issued against the Florentines 31st March, 1376 (in Raynald. ad h. a. no. 1 ss.), gives fresh examples of the measures which the Italians allowed themselves to take at that time against the Church and the Pope. E. g. Inquisitorum haereticæ pravitatis officium in ipsius libera executione impediētes, statuerunt, quod non possit in eorum civitate—et districtu contra haereticos nisi certo modo procedi; nec dicti inquisitoris familiares, nisi ad certum numerum et habita licentia eorundem officialium temporalium arma deferre valeant, ordinarunt.—Ipsius quoque inquisitoris carcerem, in quo haeretici ponebantur, concitato tumultu populi totaliter destruxerunt, et inquisitorem qui tunc erat expulerunt:—ac etiam ordinarunt, quod auctoritate literarum apostolicæ sedis possessionem alicujus beneficii ecclesiastici—nullus recipere audeat, nisi prius literæ ipsæ prioribus et vexillifero dictæ civitatis præsententur, et licentiam obtineant ab eisdem; et quod quando clericus accusatur coram iudice temporali, vel ab eo aliquid civiliter petitur, et allegat privilegium clericale, quod ex hoc sit extra custodiam dictæ civitatis, ita quod quilibet possit eum impune offendere et occidere: omnesque allegantes hujusmodi privilegium clericale in quodam libro seu chartulario describuntur, ut pateat omnibus libera licentia offendendi eos et etiam occidendi. Et insuper dudum priores et vexillifer dictæ civitatis Florentinæ, qui tunc erant, ac populus et commune supradicti, spiritu furoris accensi, quendam Nicolaum monachum in sacerdotio constitutum quibusdam sceleratis viris, cum nullus officialis justitiæ partium earundem de hoc se intromittere vellet, torquendum dederunt, qui monachum ipsum, in suæ religionis et ordinis clericalis vituperium, ad ostendendum eum fore sacerdotem de novo radi fecerunt, et eum in quodam curru posuerunt, et cum tenaculis (hooks) igneis ipsius carnes evellentes, eas canibus projecerunt: et sic eum per civitatem Florentinam prædictam, transeundo etiam prope Ecclesiam cathedralem ad majus ordinis clericalis vituperium, usque ad locum, ubi fures suspenduntur, deduxerunt: ipsumque coram populo clamantem, quod a sibi impositis innocens erat penitus et immunis, vivum sepeliri fecerunt atque mori. Then it gives examples of the instigation of the Papal territories to rebellion. Et a clero civitatis et diocesis Florentinæ et aliarum terrarum, quas tenent, diversas pecuniarum summas importabiles, etiam omni humanitate prorsus abjecta, extorserunt: ac octo viros sceleratos,—quos publice octo Sanctos appellant, ad rapiendum bona ecclesiastica deputarunt, qui ecclesias, monasteria, et alia pia loca, eorumque personas bonis suis spoliant, et hujusmodi bona mobilia et immobilia vendunt et distrahunt pro libito voluntatis. Et insuper dilectum filium Lucam de Florentia, Ordinis fratrum Humiliatorum professorem, sacrae theologiæ magistrum, ad revelandum et declarandum quendam hominem, qui eidem peccata sua, et inter caetera quaedam furta per eum commissa confessus fuerat, sigillum confessionis frangere cogerunt: ac deinde præfatum hominem, cujus peccata fuerant revelata, suspendi et mori fecerunt. Ad hæc priores artium et vexillifer,—ac populus et commune civitatis Florentinæ venerabilem fratrem nostrum Lucam Episc. Narniensem, apost. sedis Nuncium, quem specialiter ad partes dicti patrimonii destinabamus,—injuriis, violentis et sacrilegis ausibus capere, et captum aliquamdiu crudelissimo carcere detinere miserabiliter præsumperunt, etc. For this, besides excommunication and interdict, the following penalties were pronounced against the Florentines: Et ne ipsorum temeritas transiret præsumptoribus in exemplum, bona—quorumcunque Florentinorum, ubicunque consistentium, immobilia—confiscavimus: et personas ipsorum omnium et singulorum, absque tamen morte seu membri mutilatione, exponimus fidelibus, ut captientium fiant servi, et bona eorum mobilia quibuscunque fidelibus occupanda. Then the remaining penalties of heretics were pronounced against them, infamy, forfeiture of civil rights, disqualification of their successors for honors and rank. On the result of this bull, see Prima Vita Greg. XI. in Baluz. i. 435: Quorum occasione multi tam in Avinione quam aliis partibus collocati cum damnis et detrimentis innumeris ad propria redire sunt compulsi. (According to Thomas Walsingham, De Rebus Angl., the Florentine merchants in England were reduced to slavery, and their property confiscated.) Ex quibus eorum communitas ad eor minime reversa est, immo fortius in sua malitia extitit

or by his return in person to Rome in 1377.<sup>20</sup> He was obliged to forego his Papal sovereignty, and open negotiations with his enemies;<sup>21</sup> they were interrupted by his death in 1378, but still soon ended in the restoration of peace.

II. HISTORY OF THE ECCLESIASTICAL RELATIONS OF THE PAPACY AT AVIGNON.

§ 102.

COMPLETION OF THE PAPAL CODE. COMP. DIV. II. § 60.

Clement V. caused the *V. Libri Clementinarum*, the last authentic collection of decretals, to be collected, in 1313, from the canons of the council at Vienne, and his decretals issued at other times.<sup>1</sup> The Constitutions, which afterward appeared (*Ex-*

*indurata*, continue pejora prioribus contra dictam Ecclesiam procurando et machinando, libellos etiam diffamatorios, falsa tamen et erronea continentes, contra statum ipsius Ecclesiae et personam dicti Papae ubique transmittendo.

<sup>20</sup> St. Brigitta († 1378) had long before earnestly implored the Pope to take this step (*Revelationum* lib. iv. c. 139–145): the same course was now pursued by St. Catharine of Siena (her letters to the Pope are in the *Lettere devotissime della b. vergine santa Caterina da Siena*, in *Venetia*, 1562. 4. f. 1); she, however, strove in vain to mediate between the Florentines and the Pope, because of the obstinacy of the former (*Vita S. Catharinae*, written by Raimundus Capuanus, her father confessor, P. iii. c. 8, in *Act. SS. April*, iii., 956).

<sup>21</sup> The first unfortunate attempt was made in Florence by St. Catharine, who risked her life on this occasion, *Vita S. Cathar.* l. c. p. 957. However, she gave out, p. 958, *se non posse a territorio illo recedere, quousque pax esset praeconizata inter patrem et filios, sicque dixit se habere a Domino in mandatis.* The Guelph party prevailed in the end, and peace was concluded soon after Urban VI.'s accession. Peace was already made with Galeazzo Visconti, and soon after restored with Bernabo.

<sup>22</sup> Gerson relates that Gregory XI., on his death-bed, warned the by-standers (*Tract. de Examinatione Doctrinarum* P. ii. Consider. 8. Opp. i. 16), *ut caverent ab hominibus, sive viris, sive mulieribus, sub specie religionis loquentibus visiones sui capitis, quia per tales ipse seductus* (see note 20), *dimisso suorum rationabili consilio, se traxerat et Ecclesiam ad discrimen schismatis imminentis, nisi misericors provideret sponsus Jesus.* This was the view taken in France; the Romans, on the other hand, pronounced the fact that Gregory had come to Rome and died there—a miraculous dispensation to bring back the Papal See to this place again (*Baluzii Notae ad Vit. Pap. Avenion*, i. 1224).

<sup>1</sup> *Sexta Vita Clementis V.* (in *Baluz. PP. Aven. i.* 110): Anno 1313, 12 Kal. April.—dictus Papa—in consistorio publico suas constitutiones decretales, quas in Concilio Viennensi ordinarat, publicari fecit, quae hodie Clementinae vocantur: sed postea infirmitate praeventus ad studia generalia per eum transmissae non fuerunt, donec per suum successorem executioni mandatae fuerunt. Clement, indeed, sent them to the University of Orleans, founded by himself (see *Boehmer de Clementinis*, § ix.). But the fact that he did not send them to the other more renowned universities, considering that he lived a whole year after their publication, is certainly surprising, and was also differently explained; see *Aventinus Ann. Bojorum*, lib. vii. c. 15, § 18: *quod multa, quae simplicitati Christianae, libertati religionis imponerent* (comp. above, § 98, note 18), *ibi continerentur, (Clemens) publicare supersederat, atque animam agens aboleri jusserat.*—*Haec a Wilhelmo Occomensis accepi.* In the year 1317, John XXII. first sent this col-



*travagantes*),<sup>2</sup> were added gradually and singly. The selection and collection of those in use, in the editions of the *Corpus Juris Canon.*, consisting of 20 *Extravagg. Joannis XXII.* in 14 chapters,<sup>3</sup> and of 74 *Extravagg. Communes* in 5 books,<sup>4</sup> originated from the edition of John Chapuis, Paris, 1500.

### § 103.

#### ECCLESIASTICAL USURPATIONS OF THE POPES AT AVIGNON.

The idea of the Papacy, which had grown up in the period previous to this, was, indeed, incapable of further extension (Div. II. § 61); but now it was developed without reserve into all its most obnoxious results, particularly by the mendicant friars,<sup>1</sup> whose privileges, so often attacked, were only founded upon the Papal supremacy.<sup>2</sup> Their pitiful flattery did not even blush to claim

lection to the University of Bologna, which was held at that time to be the principal guardian of Canon Law: see the bull prefixed to the Clementines. The Clementines were soon plentifully commented on (see Lang, *Gesch. und Institutionen des Kirchenrechts*, i. 264); their *glossa ordinaria* is by John. Andreae (see Div. ii. § 60, note 13). Cf. G. L. Boehmer *Diatr. de Clementinis*, in his *Observatt. Juris Canon.* Goett. 1791, no. 1.

<sup>1</sup> T. W. Bickell *uber die Entstehung u. d. heut. Gebrauch der beiden Extravagantensammlungen des Corp. Juris Canon.* Marburg, 1825.

<sup>2</sup> This is only a selection from this Pope's decretals, which, however, so early as 1325, was commented upon by Zenzelinus de Cassanis, canonist at Toulouse; see Bickell, s. 7 ff.

<sup>3</sup> In the earlier editions, before Chapuis, only a few Extravagantes are found, with indefinite numbering and arrangement, Bickell, s. 14 ff. Chapuis collected them all from the better known editions extant (*communes*, i. e. *tritae*), Bickell, s. 34. The earliest among them is a constitution of Urban IV. in 1262; the latest, one of Sixtus IV. in 1483; the greater number are by John XXII. They are not all commented upon; the most distinguished of the commentators belonging to this period are, Joannes Monachus, afterward Cardinal, Guilelmus de Monte Lauduno, abbot at Poitiers, and Zenzelinus de Cassanis, canon lawyer at Toulouse.

<sup>4</sup> Compare the Augustinian, *Augustini Triumphum Summa de Potest. Eccl.* above, § 99, note 17; the Franciscan, *Alvari Pelagii de Planctu Ecclesiae*, lib. ii. *ibid.*, note 18; the Dominican, *Petri Paludani* (about 1330 patriarch of Jerusalem, † 1342) *Tract. de Causa Immediata Ecclesiasticae Potestatis* (published at Paris, 1506); the Franciscan, Rogeri Connovii (or de Conway, commonly called Chonoe, at Oxford) *Defensio Religionis Mendicantium*, immediately after 1357 (in *Goldasti Monarchia*, ii. 1410).

<sup>5</sup> E. g. *Augustini Triumphum Summa*, qu. 6, art. 1: *Utrum a Papa possit appellari ad Deum?*—*Solus Papa dicitur esse vicarius Dei, quia solum quod ligatur vel solvitur per eum, habetur solum et ligatum per ipsum Deum. Sententia igitur Papae et sententia Dei una sententia est, sicut una sententia est Papae et adjutoris ejus. Cum igitur appellatio semper fiat a minori judice ad superiorem, sicut nullus est major seipso, ita nulla appellatio tenet, facta a Papa ad Deum, quia unum Consistorium est ipsius Papae et ipsius Dei, cujus Consistorii claviger et ostiarius est ipse Papa. Nullus ergo potest appellare a Papa ad Deum.*—Qu. 19, art. 1: *Utrum solus Papa sit sponsus Ecclesiae?*—*Papa, qui obtinet vicem Christi in tota Ecclesia, universalis Ecclesiae sponsus dicitur.*

Episcopus vero dicitur sponsus suae dioecesis, presbyter autem suae parochiae. Nec tamen propter hoc sequitur, quod sint plures sponsi unius Ecclesiae: quia sacerdos sicut minister cooperatur Episcopo tanquam principali, et simul omnes Episcopi cooperantur Papae, et Papa Christo. Unde Christus, Papa, Episcopus et sacerdos non dicuntur nisi unus sponsus Ecclesiae. Art. 4: Papa succedit Christo in officio et universali jurisdictione, quia Petrus in persona omnium summorum Pontificum recepit universalem jurisdictionem a Christo.—Quantum ad officium et universalem jurisdictionem Papa est Episcopus universalis Ecclesiae, sed quantum ad personalem administrationem singulariter est Episcopus urbis Romae. Art. 5: Utrum Papa possit immediate in qualibet dioecesi et parochia, quod potest Episcopus vel sacerdos?—Papa tenet locum Petri in Ecclesia, Episcopi vero locum Apostolorum, Presbyteri vero locum LXXII. discipulorum. Absurdum autem videtur, quod Petrus non potuisset solvere et ligare sine auctoritate Apostolorum vel discipulorum, etiam in provinciis et parochiis eis deputatis, cum singulariter Petro fuit dictum: *dabo tibi claves*, et ipsi non nisi per usum clavium potestatem ligandi et solvendi haberent. Eodem modo absurdum est dicere, quod Papa non possit solvere et ligare in dioecesi cujuslibet Episcopi et parochia cujuslibet Presbyteri, vel absolutionem et ligationem committere quibus placet. Potest etiam in provinciis et parochiis eis deputatis omnia facere per seipsum, vel per commissionem, quae ipsi Episcopi vel Presbyteri facere possunt, et adhuc amplius.—Qu. 20, art. 3: Utrum solus Papa habeat potestatem clavium?—Singulariter solus Petrus dicitur habere claves per immediatam commissionem, per immediatam derivationem, per universalem administrationem. Per immediatam quidem commissionem, quia soli Petro, cujus successor Papa existit, claves sunt commissae.—Per immediatam vero derivationem, quia potestas clavium ab eo tanquam a capite in omnes Praelatos Ecclesiae derivari debet.—Per universalem autem administrationem, quia solus ipse in tota Ecclesia universaliter Christi Vicarius existit.—Qu. 64, art. 2: sicut Apostoli missi sunt ad praedicandum non nisi praesupposita auctoritate Petri:—sic Episcopi admittuntur et assumuntur in partem sollicitudinis non nisi praesupposita auctoritate Papae, qui sicut dat eis auctoritatem exequendi officium receptum super tanta vel tali materia, si bene utantur, ita culpa exigente, si commissio officio abutuntur, potest eos dicta executione privare.—Qu. 65, art. 5: non minoris auctoritatis est Papa in tota Ecclesia, quam quilibet Episcopus in sua dioecesi, immo majoris, cum in propria dioecesi Episcopus jurisdictionem non exerceat nisi auctoritate Papae. Sed quilibet Episcopus in propria dioecesi potest et debet religiosos et alios idoneos viros ad sanctae praedicationis officium assumere, qui vice ipsorum plebes Christi eis commissas aedificent verbo et exemplo, absque omni requisitione Presbyterorum, in quorum parochiis praedicant.—Ergo similiter Papa potest et debet in tota Ecclesia aliquos religiosos et idoneos viros ad sanctae praedicationis officium ordinare,—qui in qualibet dioecesi et in qualibet parochia—absque omni requisitione Episcoporum et Presbyterorum possunt praedicare, et alia spiritualia per sedem apostolicam eis commissa administrare.—Alvari Pelagii de Planctu Ecclesiae, lib. i. c. 6: Papa super omnia, etiam generalia, concilia est, et ab ipso ipsa recipiunt jurisdictionem et auctoritatem, et licentiam congregandi se. C. 14: Omnis creatura per eum valet judicari, et ipse a nulla in terris, etiam universali concilio. C. 17: Plus potest Papa solus in iis, quae non sunt contra capitulos fidei, et adjacentia eis, et sacramenta, quam tota Ecclesia catholica, et concilia seorsum. C. 29: unum est consistorium et tribunal Christi et Papae in terris. C. 58: Sciendum est, quod potentia summi Pontificis et Christi vicari plena dicitur. Primo quia ab hac potentia nullus ad Ecclesiam militantem qualitercunque pertinens excipitur.—Secundo quia omnis potestas ad gubernationem fidelium a Deo ordinata et hominibus data, sive spiritualis, sive temporalis, in hac potestate comprehenditur.—Tertio quia omnis potestas in Ecclesia ab hac potestate, derivatur, et ad eam ordinatur,—quia ipsa principium est et finis cujuslibet potestatis, et ideo quaelibet potestas humana ei jure subditur. Quarto quia a nulla potestate humana exceditur, vel superatur.—Quinto quia a nulla alia potestate puri hominis limitatur, aut ordinatur, aut judicatur: sed ipsa alias limitat, ordinat, et judicat.—Sexto quia ordine potestatum, aut legibus ab ipso positus non coarctatur: potest enim agere et mediantibus aliis potestatibus, et non mediantibus, quando viderit expedire, quia ordinarius omnium est.—Potest etiam agere et secundum

for the popes almost divine honors.<sup>3</sup> The dissenting voices raised

leges quas ponit, et praeter illas, ubi opportunum esse judicaverit.—Merito ergo in summo Pontifice plenitudo dicitur existere potestatis : unde et propter hoc dicitur potestas ejus esse sine numero, pondere et mensura.—Est enim sine numero, quantum ad eum, qui ejus potestati subduntur, qui quoad nostram notitiam sunt innumerabiles.—Est autem sine pondere, quantum ad locum : pondus enim est inclinatio rei ad locum proprium et determinatum : haec autem potestas non determinatur ad unum locum, vel ad unam Ecclesiam, sed ad omnes prorsus Ecclesias in quibuscumque locis positae extenditur. Est sine mensura, quantum ad actum et modum agendi, quia quodammodo immensa est in agendo et in modo agendi. Unde sicut homini Christo datus est spiritus non ad mensuram, Jo. iii. 34, caeteris autem datur secundum aliquam mensuram donationis Christi, Eph. iv. 7 ; Rom. xii. : sic vicario Christi Pontifici summo data est potestas non ad mensuram, sed in quadam immensitate ; aliis autem datur potestas secundum mensuram aliquam participationis hujus immensae potestatis. Et cum sit ipsa potestas vicarii Christi sine numero, pondere et mensura, imponit tamen et determinat aliis potestatibus pondus, numerum et mensuram.

<sup>3</sup> Augustini Triumpho, qu. 9, art. 1. Utrum Papae debeatur honor, qui debetur Christo secundum quod Deus? *Videtur* :—quia honor debetur potestati, sed una est potestas Christi secundum quod Deus et Papae : quod probatur, quia potestas Christi secundum quod Deus est peccata dimittere juxta illud Marc. ii., *quis potest peccata dimittere nisi solus Deus?* istud autem convenit Papae, quia quodcumque ligat vel solvit super terram, est ligatum vel solutum in caelis.—Porro latria est servitus soli Deo debita :—sed omnis servitus debetur Papae, ergo honor qui debetur Deo debetur sibi.—*In contrarium est*, quod honor, qui debetur creatori, sine peccato idololatriae non debetur purae creaturae.—*R. Dicendum*,—quod honor potest exhiberi Deo dupliciter. Primo ratione communis potestatis, cum qua convenit cum creaturis convenientia cujusdam analogicae univocitatis. Convenit ergo creatori et creaturae potestas et dominatio, et multa alia, ut bonitas, scientia et justitia, quae attribuntur Deo, tamen conveniunt creaturae, Deo quidem essentialiter, creaturae vero participative et ministerialiter vel instrumentaliter : et ratione istorum quidam honor, et quaedam servitus impenditur Deo, quae sine peccato potest exhiberi creaturae, ut thurificatio et genuflexio et alia servitus, quae graeco nomine *dulia* appellatur. Quaedam vero servitus Deo impenditur ratione ejus singularis majestatis,—ratione cujus singularis genus servitii sibi exhibetur, quod latria appellatur.—Sacrificium est ille singularis honor et illa singularis servitus, quae sic debetur Christo secundum quod Deus, non debetur Papae, nec alicui purae creaturae.—*Ad primum ergo est dicendum* :—in Christo secundum quod Deus invenitur dominatio, quae est summa potestas, et ideo servitus summa sibi debetur, quae latria appellatur : in Papa autem non invenitur nisi participative et ministerialiter, etc.—In Art. 3 it is proved that the same honor is due to the Pope as to the saints (honor Papae exhibetur ratione potestatis et auctoritatis : verum quia potestas talis est ordinata potissime, quia est a Deo sibi tributa, et quae a Deo sunt, ordinata sunt, sic dicit Apost. ad Rom. xiii. : ideo includit talis potestas vitae sanctitatem et doctrinae veritatem.—Propter quod licet honor sit sibi exhibendus ratione potestatis, non est sibi subtrahendus honor, qui debetur Sanctis ratione sanctitatis et doctrinae veritatis). And, in Art. 4, the honor rendered to angels is shown to be due to him (exhibebatur honor Angelis per Patres veteris Testamenti, quia in eis representabatur Deus per subjectam creaturam de aere vel undecunque visibiliter ab eis assumptam : sed longe melius Deus representatur per Papam, et quantum ad naturae conformitatem, quia Dei filius nunquam Angelos apprehendit, sed semen Abrahae in unitatem personae, et quantum ad officii potestatem, quia nulli Angelorum concessit clavem ligandi et solvendi in caelo et in terra, sicut concessit Petro et successoribus ejus).—Zenzelinus (1825) adds plainly in his *gloss* to Extravag. Jo. XXII. tit. xiv. c. 4, in fine : *Crede autem dominum Deum nostrum Papam, conditorem dictae decretalis, sic non potuisse statuere, prout statuit, haeticum censeretur.* Thus the passage stands in the Lyonesse editions of 1584 and 1606, and in the Paris editions of 1585, 1601, and 1612 : the word *Deum* is left out in the later editions.

on the side of Lewis, the Bavarian, made no general impression, and died away altogether when, after Lewis's death, the victory of the Papacy was complete and decisive. In France, indeed, under Philip the Fair, a sounder system had won almost universal authority among learned men:<sup>4</sup> however, since the kings of France gladly allowed this extension of the Papal power, now that it was always at their service, no resistance found utterance among them.

In the new ecclesiastical usurpations by which the popes of Avignon struggled for the complete realization of their idea of the Papacy, mean selfishness and low avarice, together with open disregard of the wants of the Church, were most odiously conspicuous. There began, in the Papal court at Avignon, a more reckless and voluptuous mode of life;<sup>5</sup> while the rich revenues of the popes and

<sup>4</sup> See Div. 2, § 62, note 27; compare above, § 101, note 1. This was chiefly brought out in the disputes between the university of Paris and the mendicant friars; see below, § 112, note 8.

<sup>5</sup> Francesco Petrarca († 1374), who lived a long time at the Papal court in Avignon, gives a hideous description of its corruption in his confidential letters to his friends (*Epistolae sine titulo*). In Ep. 8. (Opp. ii. 719) he calls Avignon the third Babylon and the fifth Labyrinth: *quam juste autem, qui noscere cupit, huc properet. Non hic carcer horrendus, non tenebrosae domus error, non fatalis urna humani generis fata permiscens, denique non imperiosus Minos, non Minotaurus vorax, non damnatae Veneris monimenta defuerint: sed remedia, sed amor, sed caritas, sed promissorum fides, sed amica consilia, sed fila perplexum iter tacita ope signantia, sed Ariadna, sed Daedalus. Una salutis spes in auro est, auro placatur rex ferus, auro immane monstrum vincitur, auro salutare lorum textitur, auro durum limen ostenditur, auro vectes et saxa franguntur, auro tristis janitor mollitur, auro caelum panditur, quid multa? auro Christus venditur. Comp. Epist. 14 and 15, especially Epist. 16: Omne bonum ibi perditur, sed primum omnium libertas, mox ex ordine quies, gaudium, spes, fides, caritas, animae jacturae ingentes. Sed in regno avaritiae nihil damno adscribitur, modo pecunia salva sit. Futurae tibi vitae spes inanis quaedam fabula, et quae de inferis narrantur fabulosa omnia, et resurrectio carnis et mundi finis et Christus ad judicium venturus inter naenias habentur. Veritas ibi dementia est, abstinentia vero rusticitas, pudicitia probrum ingens: denique peccandi licentia magnanimitas et libertas eximia, et quo pollutior eo clarior vita, quo plus scelerum eo plus gloriae, bonum nomen coeno vilius, atque ultima mercium fama est.—Taceo haereditatem Simonis, et illam haeresis speciem, non ultimam, Spiritus sancti dona mercantium. Taceo mali illius avaritiam matrem, quae idolorum servitus ab Apostolo dicta est. Taceo utriusque pestis artifices, et concursantes Pontificum thalamis proxenetas. Taceo crudelitatem humanitatis immemorem, ei sui ipsius oblitam insolentiam, atque illos vanis flatibus tensos utres. Taceo denique illa prodigia,—quorum moesta nimis et severa narratio: ad ridicula simul atque odiosa festino. Quis enim oro non irascatur et rideat illos senes pueros coma candida, togis amplissimis, adeoque lascivientibus animis, ut nihil illuc falsius videatur, quam quod ait Maro: *Frigidus in Venerem senior?* Tam calidi, tamque praecipites in Venerem senes sunt, tanta eos aetatis et status et virium cepit oblivio, sic in libidines inardescunt, sic in omne ruunt dedecus, quasi omnis eorum gloria non in cruce Christi sit, sed in comensationibus, et ebrietatibus, et, quae has sequuntur in cubilibus, impudicitis: sic fugientem manu retrahunt inventam, atque hoc unum senectutis ultimae lucrum putant, ea facere, quae juvenes non auderent.—Mitto stupra, raptus, incestus, adulteria, qui jam pontificalis lasciviae ludi sunt: mitto raptarum viros, ne mutire audeant, non tantum*

their curia, drawn from the States of the Church, were partly uncertain, partly withheld. Thus the popes of Avignon were obliged to discover for themselves and their curia fresh resources elsewhere. The want was quickly supplied, but now followed insatiable avarice, and the most intolerable oppressions were set on foot in the Church; the proceeds were sometimes treasured up at Avignon, sometimes misspent on the political aims of the Pope, sometimes squandered.

Among the new Papal usurpations the most disgraceful were the extended *reservations* of ecclesiastical offices, in consequence of which even bishoprics and parishes were now granted *in commendam*, or bestowed upon unfit persons. Clement V. had already reserved to himself several churches, to which indeed, in France, he was obliged to appoint according to the King's pleasure,<sup>6</sup> granted many benefices *in commendam*,<sup>7</sup> and drew upon himself the charge

avitis laribus, sed finibus patriis exturbatos, quaeque contumeliarum gravissima est, et violatas conjuges et externo semine gravidas rursus accipere, et post partum reddere ad alternam satietatem abutentium coactos. Quae omnia non unus ego, sed vulgus novit, etsi taceat, quamvis ne id ipsum taceat jam major est indignatio quam metus, etc. Several of Petrarch's eclogues are satires on the Papal court (Ginguené, *Hist. Liter. d'Italie*, t. 2, Paris, 1811, p. 477). Thus in the sixth, Pamphilus (i. e. St. Peter) sternly rebukes Mition (Clement VI.) for his course of life: in the seventh, Mition converses with the nymph *Epy* (*Epicurta*, i. e. Avignon); she represents the cardinals one after another in dark colors.—*Cf. De Ruina Ecclesiae* (with the title *De Corrupto Eccl. Statu* in the earlier editions, written in 1401, but not, as is commonly believed, by Nic. de Clémangis; see Nic. de Clémanges, *Thèse* par A. Müntz, Strasbourg et Paris, 1846, p. 66). c. 42, in v. d. Hardt *Concil. Constant.* I. iii. 45: Ex illo plane suam cladem imminere praenosse debuit (Ecclesia), ex quo propter suas fornicationes odibiles Romuli urbe relicta Avinionem confugit. Ubi quanto liberius, tanto apertius et impudentius vias suae simoniae et prostitutiones exposuit, peregrinosque et perversos mores, calamitatum inductores, in nostram Galliam invexit, rectisque usque ad illa tempora moribus frugalibus disciplina instante, nunc vero luxu prodigioso usque adeo solutam, ut merito ambigere possis, utrum res ipsa audita mirabilior sit, an visa miserabilior.

<sup>6</sup> Thus writes Clement, in 1306, to Philip (Baluz. *PP. Aven.* ii. 65): De Ecclesiis vero, de quibus nobis tua Serenitas scripsit, scire te volumus, quod nos earum provisiones hac vice nobis duximus reservandas. Quibus Ecclesiis de personis Deo, nobis ac tibi gratis et Ecclesiis ipsis utilibus curabimus—providere: and, accordingly, Philip thanks him, p. 87, for the promotio per uberem gratiam clementiae vestrae facta de dilectis et fidelibus clericis nostris. The Pope at length wearied of acting only as the king's instrument; and when Philip required him, in 1309, to grant the archbishopric of Sens to the Bishop of Cambray, he wrote to him, p. 145: considerantes attentius, quod super translatione hujusmodi per alium modum non poteramus decenter satisfacere votis tuis, provisionem ipsius Ecclesiae Senonensis, quamvis reservationes hujusmodi menti nostrae displiceant, prout nosti, hac vice dispositioni nostrae—duximus reservandam:—tuam Celsitudinem exhortantes, ut nos super similibus reservationibus faciendis, quae nostrae voluntati redduntur contrariae, saltem absque magna causa non infestes.

<sup>7</sup> On 20th Feb., 1307, Clement issued a Constitution (*Extrav. comm. lib. iii. tit. ii. c. 2.* Raynald. 1307. no. 28), in which he states that, in the beginning of his reign, he had granted benefices *in commendam*, out of deference to secular and ecclesiastical dignitaries:

of simony.<sup>8</sup> But his successor, John XXII., proceeded in a still more shameful manner. While he found it unnecessary to announce his will otherwise than by a verbal declaration to his Chancery,<sup>9</sup> he extended the former reservations of benefices fall-

ad eorum importunas et multiplicatas precum instantias nonnullis clericis—patriarchales, archiepiscopales et episcopales Ecclesias ac monasteria—sub commendae vel custodiae, seu curae, vel guardiae, aut administrationis titulo—duximus—committenda. Super iis autem, an tales videlicet et tantas gratias per nos fieri decuisset, variorum et arduorum negotiorum multiplicitate distracti usque ad tempus, quo infirmitate satis periculosa nos iis diebus Deus visitavit omnipotens, nequivimus plenarie cogitare. Verum in debilitate ipsius aegritudinis constituti, et a negotiorum utcumque discussione semoti, ad haec sub diligenti examine direximus aciem nostrae mentis, demumque prospeximus evidenter, quod Ecclesiarum et monasteriorum eorundem cura negligitur, bona et jura dissipantur ipsorum, ac subjectis eis personis et populis spiritualiter plurimum et temporaliter derogatur.—Volentes opportunum et debitum in hac parte remedium adhibere, omnes et singulas commissiones hujusmodi per nos—factas quibuscumque cujusvis ordinis, dignitatis, aut status, si etiam s. Romanae Ecclesiae Cardinalibus—factae noscantur, auctoritate apostolica—cassamus et annullamus. But how little this Constitution came into operation was manifested at the council of Vienne, 1311. Guil. Durantis complains, in his work written at that time, *De Modo Celebrandi Generalis Concilii* (comp. Div. 2, § 62, note 28), P. ii. tit. 21: domini Cardinales in grave animum ipsorum periculum et universalis Ecclesiae dispendium multa millia florenorum—sibi et multis pestifera adinventione super Ecclesias etiam parochiales et curatas faciunt cumulari, et Ecclesias etiam cathedrales et ultramarinas sub diversis coloribus commendari, et certas sibi solvi ab illis, qui eorum promoventur auxilio, pensiones, quae nunquam in Romana Ecclesia moriuntur, sed ab uno Cardinali in alium vel in ejus vel domini Papae propinquum vel nepotem detinentur. Ex quibus sequitur, cum sibi vindicent universa, infelix quod Clericus, qui de praedictis beneficiis sustentari et eis personaliter deservire debuerat, mendicat in plateis.—Ex hac peste etiam noviter introductum est contra jura, quod Prioratus Conventuales, et alia beneficia ecclesiastica, consueva regi per Monachos et alios Regulares, domini Cardinales—sibi et suis faciunt assignari, quanquam non efficiantur Monachi.—Ex quibus in dictis Prioratibus et beneficiis Regularium perit in totum regularis observantiae disciplina, cum non sit inter eos, qui corrigat, etc. A bishop brought similar complaints before the council (Raynald. 1311, no. 59): Quia multi vita et moribus detestabiles de diversis mundi partibus ad sedem apostolicam concurrentes—beneficia cum cura, vel sine cura quotidie impetrare noscuntur,—et a Praelatis veneranter instituti vel admissi ita detestabilem vel deformem vitam ducunt, quod ob hoc Ecclesiae destruuntur;—Praelati non possunt hodie bonis personis de beneficiis—obstante numerosa multitudine clericorum impetrantium providere.—Heu mittantur ad Ecclesias vel personae inutiles, peregrinae linguae, barbarae nationis; vel si sunt bonae personae et utiles, nunquam in eisdem resident Ecclesiis, sed in Romana curia, aut Regis aut Principum curiis commorantes per privilegia fructus beneficiorum percipiunt, qui eisdem Ecclesiis de nihilo serviunt.—Cum tam secundum jura divina quam humana singula ecclesiastici juris officia sint singillatim singulis committenda personis;—hodie—una persona, aliquando minus idonea, quatuor vel quinque in diversis Ecclesiis obtinet beneficia,—quinimmo decem vel duodecim—et aliquando plures, sicut vidi. Heu aliquando una persona tot obtinet dignitates, personatus vel officia, quod ex eis posset quinquaginta vel sexaginta exercitatis et literatis personis sufficientissime provideri.—Quid autem de pueris, qui omni discretione carentes—tot obtinent dignitates et beneficia, referam, nescio, etc.

<sup>8</sup> Jo. Villani, ix. c. 58: questi fu huomo molto cupido di moneta e simoniaco, che ogni beneficio per moneta in sua corte si vendea, e fu lusingoso, che palese si dica che tenea per amica la Contessa di Palagorgo, bellissima donna.—E lasciò i suoi nipoti e suo lignaggio con grandissimo e innumerabile tesoro.

ing vacant in curia,<sup>10</sup> reserved to himself the most lucrative stalls in all foundations<sup>11</sup> and all churches in Upper Italy,<sup>12</sup> without regard to cases of isolated resistance.<sup>13</sup> The treasures left behind him

<sup>10</sup> Just as he published his "processus," by posting them on the church doors at Avignon: see above, § 99, note 7.—Baluz. PP. Aven. i., 722, contributes the following remarkable document: Anno Dom. MCCXXVI. 17. Kal. Oct. Lugluni sanctissimus pater et dominus Johannes P. XXII. pontificatus sui anno primo reservavit suae et sedis apostolicae collationi omnia beneficia ecclesiastica, quae fuerunt et quocumque nomine censeantur, ubicumque ea vacare contigerit per acceptationem alterius beneficii praetextu gratiae ab eodem domino Papa factae vel facien lae acceptati: mihique Gancelmo Vicecancellario suo praecepit in praesentia magistri Petri Fabri, quod haec ad memoriam colligerem in scripturam. This is the first trace of the notorious Papal Chancery rule (*Regulae cancellariae*). Comp. Gesch. d. röm. Kanzleiregeln, in *Le Bret's Magazin f. Staaten- u. Kirchengesch.* ii. 605, iii. 1.

<sup>11</sup> By the Decretal *Ex debito* (Extravagg. comm. lib. i. tit. iii. c. 4), in the year 1316: this is only a further development of that Chancery rule, note 9. Hujusmodi autem sedes, monasteria, ecclesias, et alia praefata beneficia ecclesiastica per mortem vel depositionem ac privationem eorum, qui ea obtinerent, per electionum cassationem,—quorumlibet provisionem, translationem—vacare apud sedem intelligimus praelibatam. Episcopales insuper vel alias dignitates—fratrum nostrorum s. Rom. Eccl. Cardinalium apud dictam sedem per eorum obitum vacare censemus, sive inibi, sive alibi, ubicumque ipsas migrare contigerit de hac luce. Et hoc idem in dignitatibus et beneficiis quibuslibet—officialium nostrorum, videlicet vicecancellarii, ejusdem Ecclesiae camerarii, notariorum, auditoris contradictarum, correctorum, scriptorum literarum, ac poenitentiariorum nostrorum, nec non abbreviatorum curiae Romanae locum sibi volumus vindicare. On these principles, in the year 1317, by the decretal *Execrabilis* (Extravagg. comm. iii. tit. 2. c. 4), he opened the way for himself to dispose of numerous places: since, after much censure on the prevailing avarice of all pluralists (cardinalibus tamen s. Rom. Eccl.—ac Regum filiis—excepti), he commands them to choose one beneficium, cum cura, and one, sine cura, but to resign all the rest. Quae omnia et singula beneficia vacatura—vel dimissa nostrae et sedis apostolicae dispositioni—reservamus.

<sup>12</sup> Jo. Villani, xi. c. 20 (Papa Giovanni), infino l'anno 1319 puose le riservazioni di tutti i benefici collegiati di Christianità, e tutti gli volea dare egli, dicendo il faceva per levare le simonie. E di questo trasse e ragunò infinito tesoro. Et oltre a ciò, per la detta reservazione quasi mai non confermò elette di niuno Prelato, ma promovea uno Vescovo in uno Arcivescovado, e al Vescovado del Vescovo promosso promovea un minore Vescovo, e allora avenia bene sovente, che d'una vacazione d'uno Vescovado grande, o Arcivescovado, o Patriarcato faceva sei o più permutazioni; e simile d'altri benefici; onde molte e grandi provisioni di moneta tornavano alla camera del Papa.

<sup>13</sup> The bull of 30th July, 1322, is in Raynald. 1322, no. 4, quoted at length in Ughelli Italia sacra, iii. 185: Statu Ecclesiarum, necnon—monasteriorum—tam in terris Italiae Ecclesiae Romanae immediate subjectis, quam in patriarchatu Aquilejensi, nec non Mediolanensi, Ravennate, Januensi et Pisana provinciis consistentium, quas et quae—malitia temporis in eorum provisionibus variis noscitur discriminitibus subjecisse (see § 99, note 4), nostrae mentis obtutibus occurrente; ac propterea similibus in posterum obviare periculis, donec—sublata procella temporis impacati, eisdem Ecclesiis—plena in eligendo securitas ministretur, sollicitis affectibus cupientes; provisiones omnium patriarchalium, archiepiscopalium, episcopalium, et aliarum quarumlibet Ecclesiarum collegiatarum, nec non albatiarum, monasteriorum, prioratum et aliorum quorumcumque piorum locorum saecularium et regularium—consistentium in patriarchatu et provinciis supradictis,—vacantium,—dispositioni et ordinationi nostrae et sedis apostolicae—usque ad ejusdem sedis beneplacitum—reservamus.

<sup>14</sup> Thus the kings of Castile and Portugal complained to the Pope (Raynald. ann. 1330, no. 44) that, whereas formerly the native clergy had rendered them considerable

after his death testified to his way of procedure with regard to appointments.<sup>14</sup> The conscientious Benedict XII. revoked the grants *in commendam*,<sup>15</sup> and only confirmed the *reservations* of his predecessor,<sup>16</sup> with a view to fill up again the ecclesiastical posts with worthier appointments.<sup>17</sup> However, he could win no respect for himself and his principles among the members of his curia.<sup>18</sup> So

assistance in the wars with the Moors, nunc istis (indigenis) exclusis pariter et contemptis alienigenae, qui nec zelo fidei, nec devotione aliqua ad praemissa invitantur, sed de imbursanda pecunia, quam de ipsis beneficiis percipere possunt, ad alias transfrendi partes, continuam gerunt sollicitudinem, eisdem Ecclesiis, monasteriis, personatibus, dignitatibus sunt praelati. Quare supplicant iidem Reges humiliter et instanter, quatenus praemissis alienigenis ad alia beneficia in aliis partibus translatis de praelatis, personatibus, etc., per eos detentis indigenis regnorum praedictorum dignetur eadem sanctitas providere. A more powerful resistance was offered in Germany: Heinricus de Rebdorff, ad ann. 1333: In Alemania magnum schisma est in clero et populo, ex provisionibus sedis apostolicae ad episcopales et solemnes praelaturas et alia beneficia, quas idem Ludwicus in odium sedis apostolicae fortiter impedivit.

<sup>14</sup> According to Jo. Villani, xi. c. 20, who appeals on this point to the testimony of his brother, a merchant at Avignon, who had heard the fact from the Papal treasurers, he amassed 18 millions of gold florins in sterling money, and 7 millions in precious stones. But over and above this, the members of his curia also had acquired much wealth; Cf. Quinta vita Benedicti XII. (Baluz. i. 232): temporibus retroactis, quando per Papam gratiae seu supplicationes gratiarum signabantur, ipsae supplicationes praesentabantur per Camerarios domini Papae aut per alios de ipsorum mandato, unde frequenter quaestus illicitos ab eis fieri contingebat.

<sup>15</sup> Secunda vita Bened. XII. (Baluz. i. 214): Praelatos omnes ad eorum Ecclesias redire coegit, volens eorum ambitiosis pravitatibus obviare; et commendas Ecclesiarum, praeterquam dominis Cardinalibus factas, expectationes omnes secundum formam juris canonici revocavit, et fugavit realiter simoniam.

<sup>16</sup> In the year 1335 he confirmed the Constitution *Ex debito* (see note 10) by the bull *Ad regimen* (Extravagg. comm. III. ii. 13).

<sup>17</sup> Prima vita Benedicti XII. (Baluz. i. 209): Quantum in ipso fuit, dedit operam efficacem, ut in beneficiis, dignitatibus, et praelaturis suo tempore vacantibus ponerentur et praeficerentur bonae et honestae personae,—ac sufficientes in literatura, ac maturae in moribus, essentque aetatis provectae, juxta—qualitatem beneficiorum,—ad quae—essent assumendae.—Et in hoc multotiens se decipi formidavit. Et ob hoc, antequam provideret de talibus suae dispositioni reservatis, inquirebat summa cum diligentia de meritis et sufficientia illorum, qui ad hoc sibi nominabantur. Et cum eos non reperiebat juxta gustum suum bene idoneos et sufficientes, potius volebat, quod vacarent et remanerent in manibus suis, quam si aliter provideret. Propter quod suo tempore multa beneficia, dignitates, et praelaturae quamplures diutius in vacatione permanserunt. Dicebat enim, quod melius et securius erat, quod vacarent, quam si haberent malos vel minus idoneos praesidentes. Ipse enim de suis consanguineis vel propinquis exaltandis vel promovendis nullatenus curavit.

<sup>18</sup> Octava vita, p. 240: Huic domino Benedicto maxime insitum cordi fuit, clericos et religiosorum ordinum professores et status reformare, et, ut dicatur verius, infirmare. Paucos enim vel nullos bonos credebat, et omnes a via mandatorum domini et conciliorum semita declinasse dicebat.—Hic dominus Benedictus Papa avarus, durus et tenax, in conferendis gratiis remissus, tardus et negligens in providendo statum Ecclesiarum supra modum fuit; et in excusatione duritiae suae paucos ad haec dignos vel sufficientes dicebat. Omnes dominos Cardinales fore deceptores sui credebat. Raro supplicationes ipsorum recipere volebat, ipsosque non modicum suspectos habebat. Ordines mendicantium supra modum per facti evidentiam exosos habebat. Paucos vel nullos de ipsis or-



far from this, Clement VI., a Pope of exactly opposite character, was chosen after his death: treading in the footsteps of John XXII., he arbitrarily disposed of the benefices of all countries<sup>19</sup> chiefly in favor of his own relatives, and the members of his curia;<sup>20</sup> he was also addicted to secular pomp. Innocent VI.<sup>21</sup>

dinibus ad praelationes promovebat. Dissensiones eorum libenter audiebat, et subditis contra Praelatos favere videbatur mirabiliter. At his death the following verses were made upon him (Septima vita, p. 240):

Iste fuit Nero, laccis mora, vipera clero,  
Devis a vero, cuppa (barrel) repleta mero.

(Comp. § 100, note 1.)

<sup>19</sup> Prima vita Clementis VI. (in Baluz. i. 264): Habuit hanc humanitatem—ac liberalitatem generaliter ad omnes ad ipsum recurrentes,—quod nunquam vel raro aliquem a se emisit sine consolatione reali aut verbali, saepius tamen ad rem, quam ad verba intendens.—Suos fratres, nepotes,—compatriotas et servitores valde dilexit. Plurimos—in altis et magnis praelaturis et dignitatibus sublimavit, multos vero in inferioribus beneficiis fere ubique terrarum existentibus collocavit. Tertia vita (Baluz. i. 284): volens pauperibus clericis universis de eo quod gratis acceperat gratis dare, bullam gratiae suae clementer aperuit, ut infra duorum mensium spatium (anno 1342) de suae clementiae plenitudine gratiam pro gratia cuncti reciperent.—Eadem aestate pontificatus sui prima, cunctis Ecclesiis cathedralibus, collegiatis et aliis, quas praedecessor ejus immediatus, zelo forsitan justitiae, rectoribus viduatas dimiserat,—Episcopos et rectores restituit,—quamvis lucide nosceret, quod proventus non modicos apostolicae camerae defalcabat.—Labia mea laudabunt te, in Clemente VI. clementiam, quae per ejus praedecessorem rigore retenta, misericordiae liquore condita dispergens omni petenti se tribuit gratiosam, etc.—Quinta vita, p. 310: Qui cum eodem anno (1342) circa Pentecosten faceret gratias generales, in Avinione tanta convenit multitudo clericorum volentium in gratia pauperum impetrare, quod numerus clericorum pauperum tunc in examinationibus diocesum per universum orbem fuit computatus ad centum millia clericorum, prout ego personaliter ibidem tunc existens veridicorum relatione intellexi. Hic Papa cum in principio sui pontificatus faceret reservationes abbatiarum et praelaturarum, electione conventuum et capitulorum irritas habens; et super hoc sibi fuerit intimatum, quod hujusmodi reservationes a suis praedecessoribus minime fuerint factae, ipse fertur respondisse: *Praedecessores nostri nesciverunt esse Papa.* These reservations seem to have been made by Chancery decrees. How widely they spread even over the French bishoprics is shown in the documents given by De Marca, De Concord. Sac. et Imp. lib. vi. c. 3, § 14, in which the Pope decides against the suffragans of the Archbishop of Narbonne, who, on the plea of being appointed by the Pope, refused the customary oath to their Metropolitan. He gave away the deanery of Breslau in 1350, to one man, although he had formerly granted the reversion of it to another: and a lawsuit was commenced on the point between the parties interested, in the Papal court. Stenzel's Urkunden des Bisth. Breslau, Einleit. s. xcii.

<sup>20</sup> Quinta vita (Baluz. i. 311): Ipse sumptuosissimum tenuit statum et multum pomposum ac saeculare.

<sup>21</sup> Christ says to St. Brigitta (S. B. Revelationes, lib. iv. c. 136): Iste Papa Innocentius est de aere meliori quam antecessor ejus, et materia apta ad recipiendum colores optimos. Tertia vita Innoc. VI. (in Baluz. i. 357): Hic fuit vir justus et durus in concedendo beneficia et jura ecclesiastica. Subito post suam coronationem multas reservationes factas per Clementem suum praedecessorem suspendit, et constituit, Praelatos et alios beneficiatos in curia tunc morantes unumquemque ad suum beneficium personaliter applicare, et ibi residentiam facere sub poena excommunicationis: quod et factum est. Hic diminuit expensas et familiares suos et etiam omnium Cardinalium. He gives himself in his bull (Raynald. ann. 1354, no. 31), as the reason for the abolishment of

and Urban V.<sup>22</sup> returned, indeed, to a worthier course; they could not, however, obliterate all traces of the abuses which had crept in.<sup>23</sup> Gregory XI. again appointed to offices according to the wish of his relatives;<sup>24</sup> and so, in the exercise of the newly usurped privileges, wrong recovered the upper hand.

Moreover, the Church was burdened with fresh imposts. Confirmation fees<sup>25</sup> were demanded from the prelates: the popes generally claimed from the smaller benefices, in case of a vacancy, the *fructus primi anni*.<sup>26</sup> But the taxes most burdensome to the grants *in commendam*, quod occasione commendarum,—sicut experientia docuit, ut plurimum divinus cultus minuitur, animarum—cura negligitur, hospitalitas consueta et debita non servatur, ruinis aedificia patent, etc.

<sup>22</sup> Prima vita Urb. V. (Baluz. i. 394): Simoniacos execratus est. Ementes enim et vendentes beneficia sive spirituales gratias—puniri multimode ordinavit, immo et eorum quamplurimos curiam exire coëgit. Beneficiorum multiplicationem, praesertim incompatibilium, in eandem personam concurrentium invitissime toleravit, immo multos ex illis qui plurima obtinebant privavit, relictis eis tantummodo illis, quae suis statui et sufficientiae congrue convenire iudicavit. Super quo etiam constitutionem edidit, quae incipit *Horribilis*; in qua quod suo tempore licere sibi non passus est suis successoribus indicavit, etc. There is one bull by this Pope, *Contra pluralitates in beneficiis*, of 5th May, 1365, in Wilkins Conc. Magn. Brit. iii. 62, another against the union and incorporation of benefices, l. c. p. 65.

<sup>23</sup> Even Urban V. had to grant (1368) the archbishopric of Cologne for some years, *in commendam*, to Cuno, archbishop of Trèves. The earlier reservations remained meanwhile unchanged.

<sup>24</sup> Prima vita Gregorii XI. (Baluz. i. p. 441): Ipse multum dilexit suos,—ac eorum consilio et instigatione ac favore multa fecit, praesertim in promotionibus nonnullorum, quibus sufficientiores in moribus et scientia forsitan reperiri potuissent.

<sup>25</sup> From an early date taxes for consecration were alternately demanded, and condemned as simony; see De Marca de Conc. Sac. et Imp. lib. vi. c. 10: so early as the time of Alexander IV., about 1260, a portion of these fees, under the name *annatae* (for they were determined according to the amount of the annual revenue), was paid over to the Pope and cardinals, and complaints were made on this account (Ostiensis Comm. in Decr. Greg. i. tit. 32, c. 15): Under Clement V., whether the bishops were consecrated at the Papal court or not, the fees were levied for every *provision*; see Guil. Durantis, De Modo Generalis Concilii Celebrandi, P. ii. tit. 20: Cum illa decreta, in quibus agitur de simonia,—non serventur, et maxime in curia Romana, in qua etiam coetus dominorum Cardinalium vult habere una cum domino Papa certam portionem a Praelatis, qui promoventur ibidem: videretur super hoc maxime providendum. Cf. Johannes Andree (decretalist in Bologna, † 1348), Comm. in Decr. Greg. I. tit. 32, c. 15: Pluries clamavi in tantum, quod de hoc fuit sermo in Concilio Viennensi, quod optarem, quod curia reciperet vicesimam reddituum clericorum totius orbis ad sustentationem Papae et Cardinalium, et nihil exigi posset pro servitiis Prelatorum, quos promovet, exceptis laxatis salariis laborantium, puta scriptorum et similium: et tunc provideret legatis et nunciis, quos mittit, de praedicta quota; abstineret autem ab exactione fructuum primi anni, exactionibus decimarum et similibus, quae nunc pullulant.

<sup>26</sup> The bishops of many countries, even in early times, had asserted a *jus deportuum*, completely corresponding to the *jus regaliae* (see Div. 2, § 63, note 8), with reference to benefices that might be vacated in their dioceses; but in order to secure their revenue, they changed the *vacantiae* into *fructus primi anni*. Clement V., in Conc. Vienn. (Clementin. lib. v. tit. 6), forbade this proceeding of the bishops, praetextu privilegii, quod adserunt se habere, quod usque ad certum tempus fructus beneficiorum vacantium possint

Church, and chiefly to the lower ranks of the clergy, were those which the popes incessantly levied as tithes, sometimes in their own behalf, sometimes in behalf of secular princes under the pretext of crusades.<sup>27</sup>

percipere primi anni. But in England he had already wrested this pretended right from the bishops in order to exercise it himself: Matthæi Westmonasteriensis (about 1377), Flores Histor. ad ann. 1306 (ed. Francof. 1601, fol. p. 454); Ipse vero Papa videns insatiabilem quorundam Episcoporum Angliæ avaritiam, importune postulantium primas vacantes Ecclesias per annum in suis diocesisibus sibi concedi, advertensque, quia quod postulat inferior, potest et superior, appropriavit sibi ipsi per biennium omnes proventus de primo vacantibus Ecclesiis in Angliâ, videlicet de primo anno primos fructus, tam de episcopatibus, abbatibus, prioratibus, præbendis, rectoriis et vicariis, quam de caeteris minutis beneficiis. John XXII., in the year 1317, still drew these revenues from England (Raynald. 1317, no. 49); but he soon after extended his claim for them over the whole Church, when he reserved (see the bull, *Cum nonnullæ*, of the year 1319, Extravag. comm. III. ii. 11, an explanation of the former bull of reservation no longer extant), pro Ecclesiæ Rom. necessitatibus fructus, redditus et proventus primi anni beneficiorum ecclesiasticorum, et jam vacantium, et quæ in diversis orbis partibus usque ad triennium vacare contingeret, but with the exception of the archiepiscopales et episcopales Ecclesiæ, ac regulares Abbatia. In the Declaratio nationis Gallicæ in Conc. Const. (1417) de Annatis non solvendis, cap. 2 (in v. d. Hardt Concil. Const. I. xiii. 764), it was remarked, that this was the first reservation of this kind. Deinde postmodum nonnulli Romani Pontifices, ipsius (Joannis XXII.) successores, etiam certis temporibus similes fecerunt reservationes, certis causis expressis. Quas Clerus, Principes et populus aliquo tempore tolerarunt. Sed postmodum nimium gravati ex iis, in aliquibus regnis et provinciis, recusaverunt solvere. Prout fuit factum in Angliâ et quibusdam aliis locis. That these reservations were not yet the Annates which afterward arose may be seen in Boehmeri Observatt. Sel. ad de Marca, lib. vi. c. 10, p. 153 ss. How these grew up, see below, § 105, note 3.

<sup>27</sup> Continuatio Chron. Guil. de Nangis, ad ann. 1326 (in d'Achery Spicil. iii. 86): Papa depauperatum se videns, misit nuncios speciales per universas provincias regni Franciæ ad petendum Ecclesiarum—subsidiium pro guerra sua in Italia prosequenda. Quod Rex Franciæ, asserens hoc in regno Franciæ inconsuetum, prohibuit: sed domino Papa sibi super his rescribente, postmodum Rex considerans *Do ut des*, faciliter concessit; unde et pro duobus succedentibus annis Papa Regi biennem decimam super Ecclesiam concessit: et ita dum miseram Ecclesiam unus tondet, alter excoriat. How often and how long the kings of France raised these tithes, see above, § 99, note 37; § 100, note 2. Thomassini Vetus et Nova Eccl. Discipl. P. iii. lib. i. c. 43, § 10: the kings of Spain had almost unceasingly levied these tithes for their wars against the Moors, see Thomassini, l. c. c. 44, § 3; but they were not seldom granted even to the kings of England; thus, in 1306, for two years (Matth. Westmonaster. p. 454); in 1317, for one year (Raynald. ad h. a. no. 49); in 1333, for four years (Thomas Walsingham, p. 131), etc. (In this head says the Minorite, Johannes de Rupescissa, 1349, in his Prophetia (in Edw. Brown, Appendix ad Fascic. Rerum Expetendarum et Fugendarum, Lond. 1690, fol. p. 495): propter impositionem decimarum et visitationum, orationes quæ debent fieri per clericum—convertuntur in maledictiones et lamentationes, et maxime contra illos, qui talia imposuerunt, quia tanta est paupertas in clero, quod onera non possunt supportare.—Et quia prætextu guerrarum prædictarum sunt imposita, utinam reducerentur ad mentem verba, quæ ego audivi a domino Benedicto (XII.) sanctæ memoriæ super factis guerrarum, quod nunquam fuit intentio faciendi guerras, etiam pro patrimonio Ecclesiæ, nisi cum armis spiritualibus: et dicebat etiam quod guerræ, quæ fuerunt factæ per Ecclesiam, vel fierent in futurum, sortientur tristem effectum; et quod plus confidebat orationibus et lacrymis, quam impositionibus decimarum et visitationum, et ideo nunquam voluit talia concedere, sed cunctos ab omni gravamine conservabat: tamen

Thus all kinds of ecclesiastical oppression, which, when essayed in earlier times by secular princes, the popes had resisted to the utmost of their power, were now practiced in a greater degree by the popes themselves. However, the most revolting fact was the slavish flattery which, with the aid of a pitiful casuistry, sought to excuse these manifest abuses,<sup>28</sup> and even the Papal simony.<sup>29</sup> On

dicta et facta sua et plurium aliorum Deum timentium reputantur phantastica, et conversa sunt in cantica et musicum carmen. However, the popes quickly met with a stout resistance when they demanded the tithes of the Church. In the year 1359 a legate of Innocent VI., who required a tithe from the German clergy, was decidedly refused at a diocesan synod (Trithemii Chron. Hirsaug. ii. 235): in 1366, the Archbishop of Gnesen, with his suffragans, protested against a tithe of three years, proposed to be exacted from them by Urban V. (Stenzel's Urkunden des Bisth. Breslau, Einleit., s. xcvi.): in 1372, the chapter and religious houses of Mayence united in resistance to a tithe levied by Gregory XI.; see the Unio in Gudeni Codex Diplomaticus, iii. 507: they first recite the misfortunes and oppressions which made it impossible for them to pay this tax; among these, also, usualis monetæ debilitas, quæ et plurimum ex transportatione florenorum harum partium ad Romanam Curiam et aliunde facta comunitè accidisse refertur. They had come to such a state, quod non est reperire personam ecclesiasticam civitatis et diocesis Maguntinae, quæ de redditibus ecclesiasticis, deductis omnibus debitis, juxta sui beneficii et status exigentiam valeat sustentari.—Propter exactiones papales per plurimas in his terris Clerici ad magnam paupertatem redacti, servis, immo Judæis comparati, detestabiliter despiciuntur, et a Laicis—quasi licite capiuntur, ipsorumque bona diripiuntur et ignibus devastantur, ipsaque sancta sedes et nomen apostolicum—adeo vilipensa diffamantur, quod proinde fides catholica magna vacillat in parte, Laicis videntibus Clericos—per sedem apostolicam et ejus diversarum impositionum modos, videlicet *servitiorum communium, decimarum papalium et imperialium, procurationum, primarum Annatum, subventionum Nunciatorum apostolicorum, ecclesiasticarum reservationum, ac specialiter decedentium Praelatorum continuis extortionibus* affligi. Et exinde diversa et gravissima animarum pericula et schismata—jam insurgunt,—laicis ipsis clamantibus, et despective contra Romanam Ecclesiam invehentibus, quod sedes ipsa—ad partes externas nunquam his temporibus mittit prædicatores vel vitiorum correctores, sed quotidie mittit bene pompizantes,—pecuniarum peritissimos exactores. Et propter hæc et alia,—paucissimi jam in terris istis inveniuntur, nisi solo nomine Christiani. They, therefore, will unite in this, ne quoque nobis, miserabiliter sicut præmittitur afflictis, intolerabilis afflictio superaddatur, nosque per artationem et compulsionem solutionis hujusmodi Decimarum et aliarum Collectarum, quocunque nomine censeantur, imposterum ut verisimiliter præsumitur imponendarum, paulatim et successive ad extremam exinanitionis dispendium deducamur; they agreed to bear all dangers and costs in common, sic etiam, quod talis, quicunque hujusmodi rei occasione qualitercunque gravatus seu damnificatus, a nobis et a Clero non vitetur, nec in suis Ecclesia aut Monasterio—ab aliquibus actibus excludatur, sed quod suis præbendis ac beneficiis—pacificè gaudeat et fruatur, ac si gravatus nullo modo fuisset.—Item nullus dictam Decimam in parte vel in toto solvat, seu se soluturum promittat, aut super ea componat—absque Nostrum scitu—et assensu.—Et si aliqui forsitan tenui conscientia tenti, trepidantes ubi trepidandum non est, etiam hujusmodi Decimam solverint, vel super ea se composuerint:—praeter perjurii poenam quam ipso facto incurrunt, a perceptione omnium fructuum—beneficiorum suorum—suspensi maneant, et sint infames, nec ad aliquam dignitatem, beneficium seu officium aliquod—per electionem seu alterius dispositionis modum ullatenus admittantur. In the year 1375, also, the three archbishops of Mayence, Trèves, and Cologne, refused to pay the tithe to the Pope. Detmar's Chronik, i. 301.

<sup>28</sup> E. g. Augustinus Triumphus, qu. 68, art. 1: Utrum Papa possit dispensare in pluralitate beneficiorum?—In collatione beneficiorum aliquid est de jure divino et naturali,

the other hand, in England, there grew up a decisive resistance to the oppressions of the Papacy, leagued as it was with hostile France: the popes dared not venture to encounter this resistance in earnest, for its roots were in the people.<sup>30</sup>

et aliquid est de jure positivo. De jure namque naturali et divino est, ut beneficium datur propter administrationem officii.—De jure vero positivo est paucitas vel pluralitas beneficiorum: non enim possunt talia cadere sub una regula, quia considerata quandoque Ecclesiae necessitate vel personae dignitate plura beneficia conferenda sunt uni quam alteri. Cum igitur Papa non solum possit illa, quae sunt juris positivi, verum etiam supra ipsum jus potest dispensare (Decr. Greg. III. 8. 4. Div. 2, § 61, note 10): ideo dicendum est, quod sicut de jure positivo communi, cujus Papa est conditor, facta est talis restrictio, ut nulli liceat plura beneficia habere, sed quicumque recipit aliquid beneficium curam habens animarum annexam, si prius tale beneficium habebat, est eo ipso jure privatus: sic Papa, qui est supra jus, potest talem restrictionem relaxare, etc.—Q. 72, art. 2: Utrum Papa peccet providendo compatriotae et domestico magis, quam extraneo? *Videtur*,—quia bona communia sunt communiter dispensanda.—Porro in provisione spiritualis beneficii causa spiritualis debet considerari, sed patria vel familiaritas est causa carnalis, non spiritualis. Porro scandalum multorum Papa debet maxime vitare: sed multi scandalizantur, cum compatriotis et familiaribus Papae vel Praelati providetur magis quam aliis.—*In contrarium* est Apostolus, 1 Tim. 5: Qui suorum et maxime domesticorum curam non habet, fidem negavit, et est infideli deterior.—*R. dicendum*, quod in provisione ecclesiastici beneficii vel potest attendi beneficium quod confertur, vel intentio conferentis, vel locus, in quo confertur. Si vero consideretur beneficium, quod confertur, cum sit spirituale, non debet dari nisi pro officio. Quanto ergo quis est sufficientior et dignior in officii administratione, tanto citius meretur beneficii provisionem.—Si vero consideretur intentio providentis, aut providet compatriotae et domestico ex aliqua causa debita magis quam extraneo, utputa propter ejus majorem paupertatem, vel propter receptum honestum obsequium, puto quod non peccat. Si vero faciat hoc ex causa illicita et indebita, ut praecise propter patriae affectionem, vel consanguinitatem, vel propter cumulandas ejus divitias, peccato non caret provisio.

<sup>29</sup> Thus before this time, Card. Ostiensis, Div. 2, § 61, note 9. Alvarus Pelagius de Planctu Eccl. lib. ii. c. 14: Quaerendum est, an Papa possit committere simoniam. Et tenet Thomas, quod sic.—Quamvis enim res Ecclesiae sint ejus, ut principalis dispensatoris, non tamen sunt ejus ut domini et possessoris.—On the other hand: Papa legibus loquentibus de simonia et canonibus solutus est.—Credo, quod si Papa in iis, quae sunt prohibita quia simoniaca, ut vendere sacramenta, quorum venditio in veteri testamento etiam prohibetur,—pactum vel conditionem vel conventionem apponeret, committeret simoniam. Secus in iis, quae sunt simoniaca, quia ab Ecclesia prohibita, ut vendere beneficia, sepulturas et similia,—quod tunc, etsi peccet malum exemplum dando,—si tamen ex certa scientia hoc faciat, nolens subjici juri positivo, quo solutus est, non committeret simoniam, licet ut dixi illa pactio et conventio etiam in iis de se grave peccatum sit. Sic sentio.—Augustinus Triumphus, qu. 5, art. 3: Certum est, summum Pontificem canonicam simoniam a jure positivo prohibitam non posse committere, quia ipse est supra jus, et eum jura positiva non ligant.—Potest tamen forte simoniam committere prohibitam a lege naturae, ut quod pro re temporali intenderet spiritualem tribuere.—Certum est similiter, quod summus Pontifex pro bono publico ab Episcopis et aliis Praelatis Ecclesiarum accipere potest summam pecuniae, prout secundum Deum et rationem videtur sibi expedire, quod alii inferiores Praelati facere sine peccato non possunt.

<sup>30</sup> This resistance was especially directed against the Papal invasions of the King's jurisdiction, and the Papal Provisions. Edward III., 12th May, 1343, explained to the Pope, that, causae super jure patronatus quorumque beneficiorum ecclesiasticorum regni nostri Angliae,—ac placita transgressionum et incarcerationum ibidem in Curia nostra, et non alibi, tractari debeant et finiri, and required him to refuse to hear a suit of the kind instituted at Avignon. In like manner he wrote to him on the 3d January, 1344,

## The powerful voice with which St. Brigitta († at Rome, 1373),

that, *omnis et omnimoda cognitio causarum civilium et criminalium inter quascunque personas regni nostri Angliæ ad forum et examen nostra notorie pertineat et pertinuerit ab antiquo, and demanded that the petitions of certain clergymen and laymen, who had been guilty of a breach of the peace, should not be heard* (both letters are in Rymer's *Foedera*). The Parliament also which sat after Easter, 1343 (*Rotuli Parliamentorum tempore Edwardi R. III. p. 144*), complained of the damages, grevance et oppression du poeple et de seinte Eglise d'Engleterre, qui sont faitz en Roialme d'Engleterre par provisions et reservations de la Court de Rome, aussi bien des beneficz come des primers fruitz, et par impositions des dismes et autres charges, and demanded that all persons who brought bulls into England for these purposes, received or executed them, should be thrown into prison (soient pris et arestez par leur corps, pur prendre et reseivre ce que la court agardera). The King made the Pope acquainted with these complaints against the provisorum exercitum, qui regnum nostrum Angliæ in excessiva multitudine jam invasit (dd. 30th August, 1343, in Rymer), and prayed for redress. At the same time he reminds the clergy of the legal decision (*Breve Regium ad Episc. Wigorn. of 12th December, 1343, in Wilkin's Conc. Magnæ Brit. ii. 726*), quod nullus—sub gravi forisfactura nostra infra regnum nostrum Angliæ literas, bullas, processus, instrumenta, seu aliqua alia nobis et populo nostro praejudicialia deferat,—et quod nullus sub forisfactura nostra praedicta ea recipere praesumat sine mandato nostro speciali.—*Thomae Walsingham* (about 1440), *Histor. Angliæ, in Anglica, Hibernica a veteribus scripta ex bibl. Guil. Camdeni. Francof. 1602, fol. p. 161*: Eodem anno (1343), Papa Clemens iterum fecit in Anglia provisiones duobus Cardinalibus de beneficiis proximo vacantibus praeter episcopatus et abbatias ad extentam duarum millium marcarum. Quod Rex et tota regni nobilitas pati noluit, sed procuratores dictorum Cardinalium sub poena carceris Angliam exire coëgit. The Pope complained bitterly to the King of this, and sought to justify those Provisions, 28th August (p. 162): convenire, quod Cardinales ipsi, qui super expediendis negotiis ad alveum apostolicae sedis undique confluentibus nobiscum labores et onera partiuntur, et habent congrue unde suis valeret necessitatibus secundum status sui decentiam provideri. But Edward answered, 26th September, in an Epistola plena fructu, cui pro tunc Papa aut Cardinales respondere rationabiliter nesciebant (*Walsingham, p. 161, in Rymer of the 10th September*): He first reminds him of the services rendered by his ancestors to the Church, and then laments that it is falling into decay, dum per impositiones et provisiones sedis apostolicae, quae solito gravius invalescunt, ipsius peculium—manus occupant indignorum, et praesertim exterorum, et ejus dignitates et beneficia conferuntur pingua personis alienigenis, plerumque nobis suspectis, qui non resident in dictis beneficiis, et vultus commissorum eis pecorum non agnoscunt, linguam non intelligunt, sed animarum cura neglecta, velut mercenarii, solummodo temporalia luca quaerunt, et sic diminuitur Christi cultus, animarum cura negligitur,—clerici dicti regni, viri magnae literaturae, et conversationis honestae, qui curam et regimen possent sibi salubriter peragere,—studium deserunt propter promotionis congruae spem ablatam.—Jus patronatus, quod nos et fideles nostri in talibus obtinemus beneficiis, enervatur,—regni thesaurus ad extraneos, ne dicamus nostros malevolos asportatur:—quae singula—fuerunt nuper coram nobis in parlamento nostro—palam exposita, unanimi—petitione subjuncta, ut praedictis dispendiis—celeriter occurramus. Nos autem—ad vos successorem Apostolorum principis, qui ad pascendum, non ad tendendum oves dominicas—mandatum a Christo suscepit, ista deferimus votivis affectibus supplicantes, quatenus—velitis ut pater filiis thesaurizans alleviare dictarum impositionum et provisionum ac onerum, jam per sedem apostolicam invalescentium gravitatem, permittentes ulterius, ut patroni patronatus sui solatium non amittant, Ecclesiaeque cathedrales et aliae dicti regni liberas electiones et earum effectum habeant, quas quidem Ecclesias dicti progenitores nostri dudum in singulis vacationibus earundem personis idoneis jure suo regio libere conferebant, et postmodum ad rogatum—dictae sedis sub certis modis et conditionibus concesserunt, quod electiones fierent in dictis Ecclesiis per capitula earundem.—Sed—dicta sedes per reservationes et provisiones suas dictis capitu-

lis electiones admit supradictas, et nobis jus et praerogativam, quae—nobis competunt in hac parte, propter quod juxta legem regni nostri, ex quo lex in concessione posita non servatur, concessio resolvitur, et res statum revertitur in primaevum. Against these acts of Parliament was written, Clementis Epist. ad Eduardum in Raynald, ann. 1344, no. 55 ss. Ad nostram—audientiam—pertulit rumor,—quod in regno tuo edicta et brevia in derogationem et enervationem praedictae libertatis ecclesiasticae, primatus ejusdem Romanae Ecclesiae ac auctoritatis et potestatis ipsius sedis apostolicae, ad diversas partes missa fuerunt: ut de captione et incarceratione multarum personarum ecclesiasticarum sacrilega, et impedimentis literarum et gratiarum apostolicarum ibidem appositis taceatur ad praesens. Immo ad tantae ferocitatis in regno eodem audaciam dicitur fuisse devenum, quod vix aliquis audeat ibidem literas apostolicas praesentare. The Pope refused to revoke that Reservation, in favor of two Cardinals. Accordingly, it was again bitterly assailed in the Parliament of 1346 (Rotuli, p. 162). The Commons made the following motion among others, que les provisours aliens voident la terre, et apres la feste de Saint Michel soient tenuz hors de la ley. So, too, every *Procuratour* and *Executour*. When, therefore, the vacated abbey of St. Augustine at Canterbury was filled up by the Pope, without any regard to the election which had already taken place in 1346, the King commanded the monks, under pain of the heaviest penalties, ne ipsam Praefectum, quantum in vobis est, administrationem seu dispositionem aliquam de terra,—bonis seu catallis praedictis absque licentia nostra—speciali aequaliter habere permittatis; see Guil. Thorn (a monk of this house about 1380), Chron. de Gestis Abb. s. August. Cantuar. c. 38. At last these difficulties were settled by two royal decrees—I., by the Statute of Provisors of Benefices, A.D. 1350 (Statutes at Large by Owen Ruffhead, London, 1769. 4. 1, 268): If the Pope should make an appointment to any ecclesiastical benefice, the King was to fill up the benefice at the same time. But if his nominees were disturbed in their possession by the persons appointed by the Pope, adonques soient les ditz provisours, et leur procuratours, executours et notaires attaches par leur corps et menes en response, et sils soient convictz, demourgent en prisonne,—tanqils averont fait fin et redemption au Roi a sa volonte, et gree a la partie qe se sentera greve. Et nient meins avant qils soient delivres, facent pleine renunciation, et troevent sufficeante seurte, qils nattemperont tiele chose en temps avenir, ne nul proces sueront par eux ne par autre devers nuly en la dite court de Rome, ne nule part aillours pur nules tieles emprisonementz ou renunciations ne nule autre chose dependant de eux. II., by the Statute of Praemunire, A.D. 1353 (l. c. p. 272): Whosoever should bring any cause which belonged to the King's jurisdiction, before a foreign tribunal, or appeal from the former to the latter, should be summoned to answer to this charge. Et sils ne viegnent mie au dit jour en propre persone de esteer a la lei, soient ils, leur procuratours, attournez, executours, notairs et meintenours de cel jour enavant mis hors de la protection le Roi, et leur terres, biens et chateux forfaitz au Roi, et soient leur corps, ou qils soient trovez, pris et emprisonnez et reintz a la volentz le Roi, et sur ce soit brief fait de les prendre par leur corps, et de seisir leur terres, biens et possessions en la main le Roi, et si retourne, soit qils ne sont mie trovez, soient mis en exigend et utlaghez (outlawed, beyond the protection of law, Germ. *vogelfrei*). The curia was especially aggrieved, when Edward, who wanted money to carry on his war with France, confiscated not only many other ecclesiastical imposts, but particularly the revenues which the cardinals and other non-resident incumbents drew from his kingdom (comp. Edward's letter to the Pope of 12th February, 1346, in Rymer), just as his enemy Philip had done (Rayn. 1346, no. 39; 1347, no. 24); he, however, at the request of his wife Joanna, freely restored the beneficia Cardinalium (see the Pope's letter of thanks for this in 1347, in d'Acbery Spicil. iii. 728). Edward was already threatened with excommunication (Rayn. 1352, no. 17), when death carried off Clement. In the year 1373, Parliament remonstrated once more against the Pope's Reservations and Provisions, and the *primi fructus* which he received. The money, they said, went to help their enemies, and the foreign clergy in England discovered par leur lettres les secreez de meame le Roialme, et les envoient par de la a les enemys (Rotuli Parliam. tempore Edward III., p. 320). There was a negotiation carried on at Bruges for two years, beginning in 1374, between English and Papal ambassadors (one of the English was Wycliffe), with regard

exhorted the Papal See to a reformation,<sup>31</sup> died away with all the less effect, because immediately after a turning-point was reached which was followed by still greater corruption.

### III. HISTORY OF THE PAPAL SCHISM.

Documents in d'Achery Spicileg. i. 763. Martene et Durand Thesaur. Novus Anecdotorum, ii. 1073. Eorundem Veterum Scriptorum Ampliss. Collect. vii. 425. Theodorici de Niem (from the small town of Nieheim, in the district of Paderborn, from

to these grievances. In six bulls, from 1st September, 1375 (in Rymer), the Pope endeavored to satisfy the English by revoking the reservations made up to this time, by deciding the disputes between the Papal nominees and the regular incumbents with regard to benefices in favor of the latter, and by remitting all former demands of *fructus male percepti* and *primi fructus*. But though Walsingham states, p. 188, *concordatum est inter eos, quod Papa de caetero reservationibus beneficiorum minime uteretur, et quod Rex beneficia per literas "Quare impedit" non conferret*, there is no mention whatever of this in the bulls. How little redress was granted to the grievances is shown by the copious remonstrances and propositions of the Parliament of 1376 (Rotuli, p. 337), with reference to the throng of foreigners introduced, and the manifold extortions of the court, en la pecherouse Cite d'Avenon. The King now charged the clergy (see the Breve Regium of 21st August, 1376, to the Archbishop of Canterbury, in Wilkins, Conc. Magnae Brit. iii. 107), quod literas, bullas et scripta quaecunque nobis ac regno et subditis nostris praejudicialia, si quae vobis deferri contigerit, statim cum ea receperitis, nobis et consilio nostro mittatis,—ut nos, visis et examinatis—hujusmodi litigis et scriptis, ulterius inde fieri faciamus, quod justum fuerit.—Alphonso, king of Castile, also made a show of resisting the Papal Provisions, but he was more easily silenced. Raynald. ann. 1344, no. 54; 1348, no. 14.

<sup>31</sup> Thus in the case of Urban V., when he had returned to Rome, Revelationum s. Brigittae (Colon. Agripp. 1628, fol.) lib. iv. c. 49: Papa—inclinatus est ad mundalia. —Propterea Papa incipiat veram humilitatem in seipso, primo in apparatu suo, in vestibus, in auro, et argento, et vasis argenteis, in equis, et aliis utensilibus, segregando de eis omnibus sola necessaria sua, alia vero erogando pauperibus, et specialiter his, quos noverit amicos Dei. Deinde moderate disponat familiam suam.—Cardinales—effusi sunt—ad omnem superbiam, cupiditatem et carnis delectamentum. Ideo recipiat Papa in manu malleum et forcipem, et flectat cardines ad velle suum, non permittendo eos habere plura de vestibus, et familia, et de utensilibus, nisi quantum requirit necessitas, et vitae usus. Flectatque eos forcipe, i. e. verbis lenibus, et consilio divino, paternaque caritate: qui si noluerint obedire, recipiat malleum, scilicet ostendendo eis severitatem suam.—Episcopi et clerici saeculares, quorum cupiditas nullum habet fundum, de quorum superbia et vita luxuriosa procedit fumus, ob quem abominantur eos omnes Angeli in caelis, et amici Dei in terris. Ista enim Papa in multis emendare potest, si unumquemque permittit habere necessaria, non superflua, praecipiatque unicuique Episcopo attendere ad cleri sui vitam, et omnia, qui noluerit emendare vitam suam, et stare in continentia, privetur omnino praebenda sua. She thus addressed Gregory IX. while he was still at Avignon (l. c. cap. 142): Cur tantum odis me? quare tanta est audacia tua, et praesumptio tua contra me? Nam curia tua mundana depraedatur caelestem curiam meam. Tu vero superbe spolias me ovibus meis, bona quoque ecclesiastica, quae mea propria sunt, et bona subditorum Ecclesiae meae indebite extorques et surripis, et das illa amicis tuis temporalibus.—In curia tua regnat superbia maxima, cupiditas insatiabilis, et luxuria mihi execrabilis, ac etiam vorago pessima horribilis simoniae. Insuper etiam rapis et depraedaris a me Innumerabiles animas. Nam quasi omnes, qui veniunt ad curiam tuam, mittis in gehennam ignis, ex eo quod non diligenter attendis ea, quae pertinent ad curiam meam, quia tu es Praelatus et pastor ovium mearum.



the year 1372, *Abbreviator* of the Roman popes † 1416),<sup>1</sup> libb. iii. de Schismate (from 1378–1410), *Nemus Unionis* (a collection of documents on the discussions between Benedict XIII. and Gregor. XII.), published together, Basil. 1566, fol. Argentor. 1608 and 1629. 8.—*Tractatus de Longaevio Schismate* from 1378–1422, written probably by an ecclesiastic at Breslau. MS., in the library of St. Mark at Venice; see Fr. Palacky *literar. Reise nach Italien*, Prag. 1838.

*Chronica Caroli sexti* (*Chronique du Beligieux de St. Denys contenant le Règne de Charles VI. de 1380 à 1422*, publiée en latin pour la première fois et traduite par M. L. Bellaguet, à Paris, 1839–42. 4 tomes in 4.; they reach only to 1412, belonging to the Collection de Documents Inédits, première série).

*Works*: Pierre du Puy, *Histoire du Schisme* (in his *Traitez concernant l'Hist. de France*, à Paris, 1700. 12.; à Bruxelles, 1713. 8.); Louis Maimbourg, *Hist. du grand Schisme d'Occident*, à Paris, 1678. 4.; Jaq. Lenfant, *Hist. du Concile de Pise* (t. ii. Amsterd. 1724. 4.), liv. i. et ii. The *Praefatio* to Martene et Durand, *Ampliss. Coll. t. vii.* [J. F. André, *La Papauté à Avignon*. Paris, 1845; Abbé Christophe, *La Papauté au xiv. siècle*. 3. 8. Par. 1852.]

*Popes at Rome*: Urban VI. (8th April, 1378–15th October, 1389.) Boniface IX. (2d November, 1389–1st October, 1404.) Innocent VII. (17th October, 1404–7th November, 1406.) Gregory XII. (2d December, 1406–.)

*Popes at Avignon*: Clement VII. (20th September, 1378–16th September, 1394.) Benedict XIII. (28th September, 1394–.)

## § 104.

### RISE AND PROGRESS OF THE SCHISM.

Urban VI., who was elected after the death of Gregory XI.<sup>2</sup> (8th April, 1378), exasperated most of the cardinals<sup>3</sup> by his harsh severity to such a degree that they retired to Anagni, declared his

<sup>1</sup> His life by G. J. Rosenkranz is in Erhard's and Gehrken's *Zeitschr. f. vaterl. Geschichte*, Bd. 6. (Munster, 1843) s. 37. There, s. 65, the common statement that Niem was appointed by Boniface IX., Bishop of Verdun, and afterward of Cambrai, is called in question.

<sup>2</sup> According to the French account (see *Prima vita Gregorii XI.* in Baluzii PP. Aven. i. 422, and *Secunda vita ejusd.* ibid. p. 456) the choice of an Italian was forced upon them by a rising of the people (see Baluzii notae, ibid. p. 999 ss.); but according to the Italian account (Theod. a Niem, i. c. 2; Raynald. ann. 1378, no. 2 ss.; 1379, no. 3 ss.) the election was quite free, and a passing tumult which arose was only owing to some misunderstanding with regard to the election after it was finished: comp. Lenfant, *Hist. du Concile de Pise*, l. 7. No immediate violence had overruled the election, but certainly fear of violence had influenced it.

<sup>3</sup> Also, in truth, by severe censures of the prevailing abuses. Thus Theod. a Niem, l. 4: incepti increpare Episcopos,—dicendo quod omnes essent perjuri, quia Ecclesias suas desererent in eadem Curia residendo. Then he preached a sermon, cap. 5: in quo etiam mores—Cardinalium et Praelatorum incepti redarguere, quod ipsi aegro tulerunt.—Veniens etiam illo tempore quidam Collector fructuum Camerae apostolicae de quadam provincia ad praesentiam dicti Urbani, ei quandam pecuniae summulam ratione sui Collectaneae officii offerebat: cui respondens ait: *pecunia tua tecum sit in perditionem, ac illam recipere non curavit.* Similia multa insolita et abusiva de die in diem faciens, per quae paene omnium Cardinalium et Praelatorum contra se magis iracundiam concitavit.—Cap. 7: eum delirum communiter ipsi Cardinales judicabant. Sed paulo post suscitata nimis periculosa discordia inter ipsum et dictos Cardinales, praedictum schisma, magis propterea ex rancore mutuo partium, quam allegata impressione in electione dicti Urbani—habuit ortum.

election invalid,<sup>4</sup> on the plea that it was effected by the compulsion of the Romans, and on the 20th September, 1378, elected Clement VII. at Fondi. Joanna, queen of Naples, immediately gave her support to this election;<sup>5</sup> however, the prevailing opinion of Italy continued to be in favor of Urban VI.<sup>6</sup> Clement, accordingly, soon betook himself to Avignon, and put himself under French protection, and into the most complete dependence upon France.<sup>7</sup> By

<sup>4</sup> Their manifesto, ad universos Christifideles, ed. Anagninae, 9th August, 1378, is in *Secunda vita Gregorii XI.* in Baluz. i. p. 465 ss.; cf. Bulaei, *Hist. Univ. Paris.* t. iv. p. 468 ss.

<sup>5</sup> She was at first greatly rejoiced at the election of Urban, who was a Neapolitan (*Theod. a Niem*, i. 6), but she was alienated from him by his haughty demeanor and inflexibility to her wishes (*Theod. a Niem*, i. 8. Raynald. ann. 1378, no. 46).

<sup>6</sup> The two St. Catharines were both on his side. St. Catharine of Siena, who is said to have foretold the schism three years before it took place (*Raymund. Capuan.*, in *Vita S. Cathar. P.* ii. c. 10, in the *Act. SS. Apr. t. iii.*), expressed herself with the greatest abhorrence of the dissenting cardinals, and down to her death († 1380) was zealously active in Urban's cause. Compare her letters to him (*Lettere devotissime della b. Vergine santa Caterina da Siena*, in *Venetia*, 1562, 4. f. 15), in which there is no want of warnings (e. g. f. 20: *Mitigate un poco per l'amor di Christo crocifisso quelli movimenti subiti, che la natura vi porge*), particularly her letters to the three dissentient cardinals (f. 34, verso), and the King of France (f. 213). St. Catharine of Sweden, daughter of St. Brigitta was examined at Rome as an eye-witness of Urban's election (the protocol in Raynald. 1379, no. 20); she declared it to have been free and regular: *interrogata quae fuit ergo causa istius schismatis, respondit et dixit, quod credit, quod rigor justitiae domini nostri, qui Cardinalibus non erat blandus in eorum petitionibus, et corrigere eos optabat.*—The most famous jurists of the time in their opinions pronounced likewise in favor of the regularity of Urban's election, i. e. Joannes de Lignano, the Pope's Vicar General at Bologna (see Raynald. 1378, no. 31. ss. and in *App. ad xvii.* 510. Bulaei, *Hist. Univ. Paris.* iv. 482), Baldus, at that time a Professor at Perugia (*Rayn.* 1378, no. 36 ss. and in *App. ad xvii.* 497; but Mansi shows, in his notes to Raynald, that Baldus afterward composed a still longer work in favor of the anti-pope), Jacobus de Sena Doctor Bonon. (in Bulaei, *Hist. Univ. Paris.* iv. 485). Linus Colucius Pierius Salutatus, Chancellor of Florence, decides very impartially in his *Epist. ad Jodocum Marchionem Brandenburgensem* dd. 18. Kal. September, 1398 (*Colucii Epist. ed. Jos. Rigaccius*, i. 110. *Gerdesii Scrinium Antiquarium*, v. 321). The strongest fact against the dissentient cardinals was, that for several months they recognized Urban as the true Pontiff.

<sup>7</sup> When Clement, still in Italy, was obliged to fly before the soldiers of his adversary, in order to induce the King of France to wage war against Urban in Italy, he erected, out of the larger portion of the States of the Church, of which he was not yet in possession, a *regnum Adriae* for the King's brother, Lewis of Anjou (the document dd. xv. Kal. Maji 1379, in *d'Achery Spicileg.* iii. 746. *Leibnitii, Cod. Juris Gentium*, i. 239); so that only, *urbs Romana cum ejus districtu, et provinciae patrimonii s. Petri in Tuscia, Campania et Maritima ac Sabina*, would be left to the Pope. However, there is no further mention of this new kingdom. The document seems never to have been delivered; since Clement, when he came into France in June, 1379, found the voice of the people already on his side. The University of Paris also, after long deliberation, on the 22d May, 1379, declared itself in favor of Clement (Bulaei, *Hist. Univ. Paris.* iv. 566): but the *Natio Anglicana privilegiata mansit Parisius de gratia D. Regis sub obedientia alia*, i. e. as England herself under Urban (Bulaeus, v. 65). The most remarkable work in defense of Clement was by the Cardinal Petrus de Barreria, written to answer the work of Jo. de Lignano, see Bulaeus, iv. 529. Also the Dominican Vincentius Fer-

dint of French influence,<sup>8</sup> he was immediately recognized as Pope in Scotland, Savoy, and Lorraine; afterward in Castile (1381),<sup>9</sup> Aragon (1387),<sup>10</sup> and Navarre (1390).<sup>11</sup> On the other hand, Germany, England, Denmark, Sweden, Poland, and Prussia remained on Urban's side.<sup>12</sup>

The war between the two popes was not only waged with sentences of excommunication, but in Italy with secular weapons also. Urban declared that Joanna, by her secession from his side, had forfeited the kingdom of Naples, and granted it in fee to Charles, duke of Durazzi. On the other hand, Joanna, under Clement's influence, took Lewis, duke of Anjou, at that time Regent of France, for her adopted son and successor (1380). Charles, meanwhile, in a short time made himself master of the whole kingdom, took Joanna prisoner in 1381, and had her put to death, when Lewis appeared in Italy at the head of an army (1382).<sup>13</sup> Charles continued to maintain his ascendancy, and Lewis's death (1384) would have brought Naples to a final decision in favor of Urban and Charles, had not differences forthwith arisen between the two

rius wrote in his behalf (Quetif et Echard, Scriptt. Ord. Praed. i. 766. Vincent. Ferrer by Dr. C. Heller, Berlin, 1830, s. 18).

<sup>8</sup> Prima vita Clementis VII. in Baluz. i. 495: Rex Francorum, ut per agnitionem veritatis et justitiae dicti Clementis—schisma sedari posset et extinguere, quamplures ambaxiatores fere ad omnes Principes et regiones universas saepius destinavit.—Sed heu tanta fuit fere ubique obstinatio, quod—quorumcunque missorum per dictum Clementem aditio impedita fuit. Comp. the instructions of a French ambassador in Bulaeus, iv. 520 ss.—Cf. Richardi Ullerstoni (Professor of Theology in Oxford) Petitiones quoad Reformat. Eccl. (A.D. 1408, in v. d. Hardt, Conc. Const. I. xxvi. 1170): Occasio schismatis et fomentum erat discordia inter regna. Quod profecto exinde patuit, quod regna inter se prius divisa partibus a se invicem divisit et inter se de Papatu contententibus se pariformiter conjunxerunt.

<sup>9</sup> Raynald. 1381, no. 29, Baluzii, Vitae PP. Aven. i. 1281. Lenfant, Hist. du Conc. de Pise, i. 34.

<sup>10</sup> Peter IV. first offered his obedience to Urban, but upon such hard conditions, that he would not accept it (Raynald. 1383, no. 5): accordingly, in Aragon, no Pope at all was recognized until John I., immediately upon his accession to the throne, declared for Clement (Rayn. 1387, no. 10).

<sup>11</sup> Raynald. 1390, no. 20. The instrument is in Bulaeus, iv. 648.

<sup>12</sup> Opinion of later times on this question. Both the historians of the 15th cent., Antoninus, archbishop of Florence (in Pagi Breviar. Gest. Pontiff. Rom. II. ii. 145), and Werner Rolevinck (Fasc. Temporum Act. vi. in Pistorii Scriptt. Rer. Germ. ii. 567), leave the question which were the rightful popes, unsettled; afterward the opinion of the church, with the exception of France, whose authors continued to defend the French pontiffs, decided for the most part in favor of the Roman popes. Accordingly, in the later lists of popes, the French anti-popes were not reckoned, and so a Clement VII. appears again in 1523; a Benedict XIII. in 1724.

<sup>13</sup> Clement had appointed him *generalis Capitaneus*, ut nedum nomine proprio, sed etiam Ecclesiae et suo (Papae) ad negotia procederet supradicta (Prima vita Clementis VII. in Baluz. i. 504).

latter,<sup>14</sup> which increased to such a degree when the headstrong Pope went in person to Naples, that Urban pronounced sentence of dethronement and excommunication against Charles, and was in consequence besieged by him in the castle of Lucera, near Salerno (1385). He escaped to Genoa (September, 1385) without becoming wiser. By the cruel execution of five cardinals he made himself still more hateful. After Charles's death († 1386), by his impolitic refusal to invest his son Ladislaus with Naples, he exposed this kingdom afresh to the danger of falling under the dominion of France. The capital city was already conquered for the young Lewis of Anjou (1387), and the whole kingdom would have fallen to him and the French Pope had not Urban's successor, Boniface IX., at the right moment, given it to Ladislaus (1390) and rendered him his powerful support.<sup>15</sup> With a view to secure the States of the Church against Lewis, Boniface granted many towns and castles in fee to powerful nobles,<sup>16</sup> and thus roused afresh in Rome a struggle for independence, which kept him long in banishment from the city.<sup>17</sup> True, Lewis was forced to quit Italy altogether (1400),<sup>18</sup> and Ladislaus remained King of Naples; but this restless agitation in Rome increased, and was even supported by Ladislaus, who wished to make himself master of the city.<sup>19</sup>

### § 105.

#### OPPRESSION OF THE CHURCH.

As the schism lessened the revenues of the Popes, and increased their expenses, so it caused a fresh aggravation of those ecclesiastical oppressions which were already intolerable.

The French Pontiff, Clement VII., was obliged, indeed, to exercise the right of presentation to ecclesiastical offices, to which were now also added the *gratiae expectativae*, according to the

<sup>14</sup> On this point and the following, Theodor. de Niem, i. c. 28 ss. Gobelinus Persona, vi. c. 77 (Meibom. i. 299). Schlosser's Weltgesch. IV. ii. 373.

<sup>15</sup> Raynald. 1390, no. 10.

<sup>16</sup> Ibid. 1390, no. 18.

<sup>17</sup> Raynald. 1393, no. 5; 1395, no. 17.

<sup>18</sup> Ibid. 1400, no. 11.

<sup>19</sup> Thus upon the accession of Innocent VII., who had to make important concessions to the Romans, Theodor. de Niem, ii. c. 85. Raynald. 1404, no. 16; 1405, no. 9. On the disturbance after the death of Innocent VII. 1406, see the account of the ambassador of the Teutonic order at that time in Rome in Raumer's Hist. Taschenbuch, 1838, s. 179. In the year 1407 Ladislaus took possession of Rome, with the private consent of Gregory XII., as Dietrich of Niem assures us (De Schism. iii. c. 28; Nerus Unionis, iv. c. 2), with a view to hinder the reconciliation with the anti-pope. Cf. Raynald. 1407, no. 15.

nod of the French Court, upon which he was wholly dependent;<sup>1</sup> but in return for this the Church of France, so long as complaints were not too loudly expressed, was delivered over to his extortions.<sup>2</sup> Tithes, *Vacantiae*, and Annates<sup>3</sup> were now the standing

<sup>1</sup> De Ruina Ecclesiae (written in 1401, not by Clemangis; see above, § 108, note 5), c. 18, in v. d. Hardt. Conc. Const. I. iii. 19: Sed me praeterire non decet,—quantam et quam abominabilem fornicationem Papa et hi sui fratres cōm saeculi principibus inierint. Namque ut sua dominia, imo verius ut suam tyrannidem, omnibus nec injuria supra modum invisam, inconcussa stabilitate confirmare possent, sicque tuto quodcunque libitum esset peragere: temporalium principatuum, ad quorum se imitationem componere atque conformare in animum induxerant, captare amicitias, favoresque conquirere, quacunquē possent industria, studuerunt: nunc multa beneficiorum his, pro quibus exegissent, largitione, nunc xenii et donis, nunc promissis uberrimis, saepe assentationibus et gnathonicae doctrinae versutiis, fraudulentis. Itaque ne longum faciam, adeo se et Ecclesiam universalem eorum arbitrio subjecerunt atque dederunt, ut vix aliquam parvulam praebendam, nisi eorum mandato vel consensu, in provinciis eorum tribuere ausi essent. Si Episcopus aliquis obierat, si Decanus vel Praepositus, vel alia quaelibet persona ecclesiastica: quis, in demortui locum surrogari appetens, non prius ad Regem quam ad Papam ibat? imo vero quis ita insanus, ut absque regis literis ad Papam postulaturus accederet? Mirabile dicturus sum, et quanquam vix credibile, verum tamen. Si quis Papae necessarius, propinquus, familiaris, aut quilibet alio titulo dilectissimus pro sua apud eum promotione institisset, regales ante omnia ab ipsomet Pontifice jubebatur literas quaerere.—Quam vero importune, quam imperiose, quam manu, ut ita dicam, ensifera, terreni ipsi domini per suos sollicitati, Papam per suas quotidianas literas urgebant, nequaquam credibile foret, nisi res usu assiduo promulgata certitudinem faceret. Plus enim praeceptoris et comminatoris scriptis res agebatur, quam commendatoris vel precatoris. Quibus si detrectassent Pontifices obtemperare, et alteri, quam pro quo petebatur, contulissent, certum erat illum non recipi.—Cap. 42, p. 46: Quid Clemente nostro, dum advixit, miserabilis? Qui ita se servum servorum Gallicis Principibus addiceret, ut vix minas et contumelias, quae illi quotidie ab aulicis inferebantur, deceret in villissimum mancipium dici. Cedeat ille furori, cedeat tempori, cedeat flagitantium importunitati, fingeat, dissimulabat, largiter promittebat, diem ex die ducebat, his beneficia dabat, illis verba: omnibus, quos aut ars assentatoria aut ludicra in curiis acceptos fecerat, summopere placere studebat, eosque beneficiis promereri, quo talium patrocinio dominorum gratiam et favorem assequeretur. His itaque et juvenibus nitidis et elegantibus, quorum maxime consortio gaudebat, singulos fere vacantes episcopatus caeterasque praecipuas dignitates impendebat. Denique ut Principum benevolentiam facilius assequeretur, assecutam foveret, fotamque conservaret, conservatam amplificaret, plurima ultro donaria atque xenia illis dabat: quascunque super clero exactiones petere voluissent, annuebat, ultro saepius etiam ingerebat. Sic omnem clerum saecularium magistratum dispositioni ita subiciebat, ut Papa magis quilibet eorum, quam ipse putaretur. Also, Prima vita Clem. VII. (in Baluz. i. 537) allows: Multis etiam saecularibus tam Principibus quam aliis fuit admodum familiaris et gratus, eorumque contemplatione et amore plures episcopavit et alias promovit, eis aliquando sufficientiores et idoneiores—postponendo, quandoque, ut eorum benevolentiam et favorem sibi et Ecclesiae acquireret, quandoque ut ipsorum odium et indignationem evitaret, etc. Theodor. a Niem de Schiem. ii., c. 4, even says: Clemens multum favebat magnatibus sive nobilibus: unde potentibus ipsis terras, castra et dominia Ecclesiarum cathedralium et monasteriorum pro modico annuo censu ab ipsis solvendo in feudum sine difficultate concessit, etc.

<sup>2</sup> Chronica Caroli VI. l. ii. c. 2, A.D. 1381 (Chronique du Religieux de S. Denys, publiée par Bellaguet, i. 82): Quisque (duorum Paparum) partem obedientiae suae non uniformiter regebat. Nam immunis sub Urbano a decimis manens, in promotionibus majorum dignitatum titulo de electione libere utebatur, et ad diocesanos et Ecclesiarum

income of the Papal cabinet. In addition to these, Clement laid

patronos devolvebatur collatio, quotiens beneficia et dignitates vacare continebat: cujus rei sub Clemente fiebat contrarium, et revera in infinitorum praejudicium et gravamen. Equidem permissu Franciae Regis et procerum, velut libertatis et Ecclesiarum regni vehemens impugnator, earum patrimonia crebris *decimis* et usque ad supremam exinanitionem statuit atterere, ut sic aere alieno loca venerabilia gravata supra suarum vires obventionum, papalis camera opum coacervatis cumulis ditaretur. Eadem occasione sui sacri collegii triginta sex Cardinalium procuratores, bullis apostolicis muniti, insidiantium more, ubique sciscitabantur, si cathedralibus vel collegiatis Ecclesiis aliqua beneficia pingua, si in abbatibus prioratus conventuales, officia claustralia, vel alicubi domus hospitales essent ingentis valoris, quae vacarent, ut mox dominorum nomine acceptarent, id solummodo inquirentes, quantis valebant in portatis. Utque via ad id daretur amplior, ipse Papa contemptis ss. Patrum generalibus decretis—*omnes ecclesiasticas dignitates* quascunque post episcopalem majores indifferenter suae dispositioni *reservabat*.—Sic longe lateque per regnum domini Cardinales inaestimabilis valoris beneficia possidentes, uno mortuo, alter alteri succedebat.—Quotiens ab hac luce Episcopus Franciae migrare continebat, mox ex papali camera collectores et subcollectores procedebant, qui *mobilia*,—quae ad haereditates aut executores testamentorum dinoscantur pertinere, et unde aedificia episcopatum potuissent reparari, nemine contradicente *rapiebant*; et qui praetextu *arrearagiorum ex decimis et servitiis* nondum integre persolutis provenientium tanta damna inferebant. Simili ratione nec post Abbates defunctos temporalitati monasteriorum parcabant: unde succedentes bonis omnibus spoliati non habebant, unde sibi et commonachis suis victualia ac caetera necessaria ministrarent.—Memorati iterum collectores redditus et *proventus primi anni* omnium et singulorum beneficiorum ecclesiasticorum in toto regno Franciae—quovis modo vacantium percipiebant, etiamsi Regi in regalia vel alteri domino temporali velut patrono proprio competere minime ignorarent.—Multi viri ecclesiastici per mundum vagantes penuria maxima premebantur: regni etiam studia—annullabantur penitus. Omnium liberalium artium Parisiensis Universitas alitrix dulcissima lacte scientiae enutritorum filiorum orbatam se dolebat, quoniam sinu materno relicto ad externos transmigrabant, cum pater spiritalis deesset, qui penuriis eorum subveniret. Materno compatiens dolori, quos ad summum culmen scientiarum exaltaverat doctores, attendentes, quod haec et majora damna occasione nefandissimi schismatis essent proximo futura,—standum Concilio generali super discordia amborum contententium de Papatu concludebant. Some restraint was effected by the royal edict of 6th October, 1385, *contra exactiones Curiae Romanae et Cardinalium* (l. c. l. vi. c. 12, p. 398. Preuves des Libertez de l'Eglise Gallicane, chap. xxii. no. 8). In his appointments to ecclesiastical offices, Clement attached so little importance to a theological education, that he replied to a man of rank, who supported his recommendation of a kinsman by the statement that he was studying theology at Paris (Chron. Caroli VI. l. xi. c. 9, i. 696): Quid fatuitatis fuit ad hoc amicum dilectum applicare, cum isti theologi sint fantastici homines reputandi?

<sup>3</sup> On the gradual growth of the *Annates*, see Nationis Gallicae in Conc. Const. (1417) Declaratio de Annatis non solvendis, cap. 2 (in v. d. Hardt, Concil. Const. I. xiii. 764; compare above, § 103, note 25): De vacantibus vero et fructibus primi anni *majorum praelaturarum*, abbatialium videlicet, episcopalium et supra, nullum aliud initium fuisse invenitur, quam voluntaria et gratuita oblatio quorundam, qui in discordia electi ad abbatialem vel cathedralem Ecclesiam, dum prosequerentur in Curia per appellationem ad eam factam, per eum, qui obtinebat finalem victoriam, et promovebatur sive eligebatur. Et talis oblatio et gratuita datio juxta vulgare Italicum dicta fuit *servitium*, et secundum Alemanos *propina* dicitur. Et dicta fuerunt *servitia communia*, quia communiter inter eos dividebantur, eo quod singulos, quibus dare volebat, non convocabat. Et singulis dare fuisse nimium onerosum his, qui tunc agebant in publico Consistorio. Sed postmodum deductum est in Consistorium secretum, quod tamen fuerat *simoniacum*.—Et successivo tempore volentes gratuite dare et voluntarie conferre summam certam vel aliquid, eo quod tunc nulla certa taxa esset in Camera: quoad aliqua ad tertiam partem

claim to the spoils of deceased prelates.<sup>4</sup> His successor, Benedict XIII., if possible, surpassed him in this system of extortion.<sup>5</sup>

valoris episcopatus, monasterii, aliqua vero ad mediam, in aliquibus etiam taxa dictum valorem excedit, prout in libris cancellariae scriptae sunt, et ultra pro minutis serviciis compulsi sunt dare, et offerre ad solvendum se et monasterium, sive etiam obligare per suarum literarum retentionem. Et novissime additum est, et compelluntur per eandem retentionem se obligare ad id, quod reperiretur esse debitum in libris eorum Camerae, sive dominorum Cardinalium, per oblationem vel obligationem alicujus praedecessoris monasterii vel Ecclesiae, ad quam assumitur vel transfertur. Cap. 3: Non petuntur, neque exiguntur *Aae Annatae* per Cameram apostolicam et dominos Cardinales ex eo quod vacant; sed quia conferunt, seu quia collationi et promotioni, quae fit per Papam, assentiunt. Et hoc est clare secundum canones simoniacum. As to the Forma obligationis which the newly appointed prelate had to draw up for the apostolic cabinet, see cap. 4, p. 786 ss. Compare an anonymous work of the year 1418, in Bulaei Hist. Univ. Paris. iv. 914: Circa modum exactionis istarum vacantiarum est advertendum, quod ante tempora schismatis nulla solutio, aut obligatio exigebatur, sed habita possessione Collectores apostolici levabant in multis et prolixis terminis taxam: ita quod taxa vix tribus, decem vel duodecim annis erat levata, et communiter remittebatur pars, et aliquando totum propter paupertates vel alias considerationes.—Post vero tempus schismatis ante traditionem bullarum solvebatur una magna pars,—et de reliqua parte recipiebantur obligationes formarum in durissima et cum tot censuris gravissimis, quod pauci fuerunt, qui non inciderunt in illas.

<sup>4</sup> Compare note 2.

<sup>5</sup> This fact is proved by the Appellatio interposita per Universit. Parisiensem a dom. Benedicto dd. 6th January, 1406, in Martene et Durand, Thesaur. ii. 1295, and the royal Ordonnance dd. 18th February, 1406, in the Preuves des Lib. de l'Egl. Gall. chap. xxii. no. 9, issued in consequence. In that Appellatio we find, p. 1802: Quantum hoc illud gravamen est, o piissime Jesu, quo (Benedictus XIII.) sibi beneficii cujuscunque vacantis unius anni fructuum perceptionem usurpavit? Et vere omnium unius anni fructuum in non taxatis et exemptis, per aequivalentiam in taxatis, altera parte penes se reservata, altera capellano deputata, sic totum convellendum et secum rapiendum decrevit, ut plerumque beneficio atque beneficiato nihil penitus remaneat. Quantum etiam illud gravamen, et quam religioni ac moribus nostris contrarium, quo visitandi *procuraciones* Praelatis et Archidiaconis ad mores reformandos deputatas—sibi duxerit appropriandas.—Nec minus est onus *decimarum*, quibus est uti solitus. Nuper unam imposuit, propter quam alma mater Universitas a sermonibus et lectionibus decem septimanis cessare coacta est. Ab hac pauperes hujus regni sacerdotes ita fuerunt oppressi, ut et excommunicationem et ab officio suspensionem multo tempore passi sint.—Illud etiam novum et paene inauditum mihi gravamen videtur, quod ecclesiastico viro mortuo at adhuc efflante animam—*spolia* ipsius ac universa temporalia, quae successori vel Ecclesiae debent attribui, per suos ministros tam impie rapiantur, quo tanta crudelitas sequuta est, ut inhumatus evulso monumento atque corrupto corpore suis spoliis effossus privaretur.—Non contentus vir iste fructibus unius anni, quem beneficii vacantem appellant, multo tempore *beneficia pinguis racare* permittit, et eo decursu saepe duorum vel trium annorum et amplius spiritualium fructus vel temporalium rapi atque comportari suis jubet aptissimis satellitibus.—Sed adhuc istius cupiditatis insatiabilis ardor non quiescit, petit *fructus* quos appellat *male perceptos*:—petit *vacantes* a quadraginta annis, pro quibus solvendis Ecclesiae plurimae radicibus everterentur. Talium enim summa mille millia transcendit. An etiam omittendum putatis, quod temporibus fructuum a suis injuste captorum pensiones Ecclesiarum atque debita nullo modo persolvunt, quo fit ut pro talibus oneribus anni fructus sequentis non sufficiant. Exquisivit vir iste modos alios astutiores congerendae pecuniae, *monetam mutavit*, qua saepe pro quatuor millibus quinque colliguntur.—Monetam auream regni recipere nolunt iidem ministri, nisi supra proprium valorem certam summam recipiant.—Literas, absolutiones, quittancias pretio taxant intolerabili. Excommunicant saepe, ut absolutione pauperes spoliant. Relaxant dum

So long as Urban VI. lived, the Roman Curia was advantageously distinguished in this respect from that of Avignon.<sup>6</sup> His successor, Boniface IX., on the contrary, imitated all the extortions of his rivals in France, but he far surpassed them in the simony<sup>7</sup>

*taxat quartam unius anni pro quatuor francis.*—Omitto quæstus pecuniarum insolitos sub officii pietatis et indulgentiarum colore, quibus fallaciter innumeras pecunias a simplicibus exigunt, ut eos, sicut dicunt, ad statum reducant innocentiae. Comp. de Ruina Ecclesiae (written 1401, see § 103, note 5), c. 9 (v. d. Hardt, Conc. Const. I. iii. 11): Ad hæc omnia exigenda, et ad illam, seu cameram seu potius Charybdim dixerim, transportanda suos per omnes provincias *Collectores* instituerunt, illos videlicet, quos scirent in extorquendo argento—acriores, et qui nulli omnino parcerent, nullum eximerent, sed vel ex silice aurum elicerent. Quibus et auctoritatem annuerunt, quoscunque, etiam Praelatos, anathemate ferendi,—nisi intra præfinitos dies de postulata pecunia satisfacere curassent. By these *Collectores*, suspensions from divine service, interdicts and anathemas were made quite ordinary matters. Quis nescit, tot Abbatibus, totque aliis Praelatis, cum decessissent camerae præ inopia obnoxii, negata funeralia, negata exequiarum solemnia, negatam humationem, nisi forte in agris aut hortulis aut profanis aliis sedibus clanculo tumulati sint. Cap. 10. On the *venalia iudicia* of the Curia. Cap. 14. On the avarice of the cardinals, who often appropriated four or five hundred benefices. Cap. 15. Cernentes igitur inopes alii et calamitosi Ecclesiastici, nihil se posse consequi,—ad hos ipsos (Cardinales) se conferunt, et aut cum *simoniaca pravitate* beneficia ab iis mercantur, aut pensione annua, quod aequè simoniacum est, ab illis redimunt, etc. As to the revenue derived from Annates, comp. Nationis Gall. in Conc. Const. declaratio de Annatis non solvendis, c. 4, in v. d. Hardt, Conc. I. xiii. 780. According to this, they yielded in France alone 200,000 francs annually.

<sup>6</sup> Compare above, § 104, note 3. Yet even Urban did not restore free right of election, and he received Annates. Thomas Walsingham, Hist. Angl. ad ann. 1382 (Anglia, Hibernica & Veteribus Scripta ex bibl. Camdeni. Francof. 1602, p. 289), relates that Urban refused to confirm a newly elected Abbot of Bury, and appointed another instead; however, he was compelled by the King's requisition to allow the former election: still he did it, non confirmando electionem de ipso factam, sed per provisionem concessit abbatiam, ita duntaxat, ut solveret Romanæ Curiae duplicis vacationis censum. In the year 1387, he appointed Duke Rupert v. Bergen to be Bishop of Passau, while the chapter elected George, count of Hohenlohe: a tedious war, in which George gained the victory, was the consequence. See F. Kurz, Oesterreich unter Herzog Albrecht III. Th. 2, s. 119. Also, his Oesterreich unter H. Albrecht IV. Th. 2, s. 245.

<sup>7</sup> Theodor. a Niem, de Schism. ii. c. 7: Ipse (Bonifacius) reperit plures bonos et legales Cardinales,—qui simoniae vitium detestabantur omnino, quorum præ timore, quoad vivebant, quasi per septem annos non audebat simoniam publice exercere, attamen per aliquos mediatores secrete—exercebat, intercedentibus pactis clandestinis de promotionibus per ipsum faciendis.—Cardinalibus autem pro majori parte successive defunctis, quos ipse simoniam odio habere cognovit, exhilaratus est nimium, quia tunc liberam habebat habenas simoniam pro libito etiam publice exercendi. (According to Raynald. ann. 1392, no. 1, he had decreed already in this year, ut redigendorum ex omnibus sacerdotiis, quae conferrentur a sede apostolica, *rectigalium*, quae primo labente anno obveniunt, dimidia pars in fisco Pontificis inferretur.) Sed demum circa decimum annum sui regiminis, ut cautius ageret in hac parte, palliaretque simoniam, quam exercuit, quodam necessitatis colore *primos fructus unius anni omnium Ecclesiarum cathedralium et Abbatiarum vacantium* suae camerae reservavit, ita quod quicumque ex tunc in Archiepiscopum vel Episcopum aut Abbatem per eum promoveri voluit, ante omnia cogebatur solverere primos fructus Ecclesiae vel monasterii, cui præfici voluit, etiamsi numquam possessionem ejusdem consequi posset. De quo ipse Bonifacius penitus non curabat, imo saepe dicebat: utinam non adipiscatur possessionem Ecclesiae vel monasterii hujusmodi, ut iterum de alio rursus pecunias extorqueret. Dicti autem primi fructus per ipsum



which was practiced quite publicly by himself and the members

aestimati fuerunt ad triplum illius, quod in *litteris camerae apostolicae pro communi servitio* solvendo taxata fuerunt. Et quia non omnes promovendi venientes ad Curiam sufficientibus pecuniis cum sacco parati erant, usura in Curia—tantum invaluit, quod foenus amplius non reputabatur peccatum.—Ut nihil ipse Pontifex omitteret, multas *uniones* Ecclesiarum parochialium et aliorum beneficiorum ecclesiasticorum simonia intercedente fecit. Cap. 8: Hic Bonifacius sui que secretarii et cubicularii in principio sui pontificatus unius anni spatio vel plus, primam, quae erat V. Id. Nov., plus offerentibus venderunt tam inverecunde ac frequenter, quod passim devenit in derisionem etiam populorum illa venditio. Et ibidem Bonifacius sub pacto quaecunque beneficia ecclesiastica ubicunque locorum vacantium, sive reservata essent sive non, dispositioni apostolicae sub dato obitus eorum, qui ea vivi possidebant, vendidit, et haec mercimonia publica multis annis duraverunt in curia Bonifacii. Invenisses etiam tunc plerosque cursores per Lombardiam et alias partes Italiae discurrere, perscrutantes, num infirmarentur aliqui pingua ecclesiastica beneficia obtinentes, et si aliquos invenerunt aegrotantes, tunc currebant ad Romanam Curiam, et mortem talium intimabant illis, qui super hoc ipsos pretio conduxerunt. Sed Pontifex ipse, utpote improbus mercator, quandoque etiam sub eodem dato unum et idem sacerdotium pluribus vendens, veluti novum proclamabat, pro secundo, tertio, vel quarto, concurrentibus simul in dato super uno et eodem beneficio sic vacante—novas gratias posteriores in dato vendidit cum clausula *Antefferri*, per multos annos et tam diu, donec nulli vel pauci illarum gratiarum deinceps invenirentur emtores. Quod videntes ipsi proxenetae, ad inauditam prius practicam lucri captandi causa se improbe converterunt. Cap. 9: Finxerunt enim alias novas *gratias expectativas*, quae omnes gratias illas in Dato praecedenti, quae vocabantur cum clausula *Antefferri*, prosternebant, sed illae fuerunt nimis carae, quia illae cum simplici clausula *Antefferri* pro XXV. florenis vel circa, sed aliae gratiae cum antelationis praerogativa pro L. ducatis communiter vendebantur. Sed quod ultimae gratiae per multo assidue ambitiosos emerunt, praefati mercatores seu institores, ut plus lucrarentur, novas cautelas invenerunt. Fecit enim dictus Pontifex perquam multas regulas cancellariae et alias ordinationes, per quas videbatur se huiusmodi gratiarum expectatarum a se tum passim venditarum effrenatam multitudinem restringere velle. Quod cum multi dictarum gratiarum sentirent emtores, novo pacto intercedente pecuniario quaestu impetrarunt ab ipso, quod sub illa declarationibus non comprehenderentur gratiae ipsis factae. Beneficia etiam dispositioni dicti pontificis generaliter reservata, et illa potissime, quae vacabant in Curia praefata, plus offerenti vendebant sub conditione, quod emtores illorum etiam primos fructus eorundem beneficiorum in prompta pecunia ad utilitatem camerae apostolicae ante omnia solverent, quo facto tunc primum signabantur supplicationes pro ipsis emtoribus, in quibus dicta beneficia petebantur, et etiam postquam signatae fuerunt, si alter venisset forte, qui plus obtulisset, jam signatae supplicationes huiusmodi saepe de registris supplicationum dicti Bonifacii cancellabantur, et superveniens praeferebatur praecedenti in dato: dicebat enim ipse Bonifacius, quod illi, qui minus obtulerunt, eum decipere voluissent.—Cap. 10: Praeterea dispensationes, quae petebantur ab ipso antistite pro quibuscunque, dummodo corresponderet pecunia, quam ejus rei causa petebat, indifferenter docto et illi carius, et indocto et huic remissius, pacto etiam intercedente, vendere non negavit. Omnia etiam beneficia in Ecclesiis urbis vacantia vendidit, et si non potuit habere pecunias, res alias in commutationem recepit, ut porcos, sues, equos, granum et frumentum, etc.—Hic etiam Argus antistes libros, vestes, utensilia et pecunias suorum Curialium et Praelatorum adhuc quandoque ipsis agonizantibus per quosdam officiales suae Curiae ad hoc deputatos pro se recolligi fecit ad instar corvi in praedam hiantis. Cap. 11.—postremo ad profundum iniquitatis descendens, nullam penitus supplicationem—signare voluit, nisi pro singulis supplicationibus—singulos florenos auri—recepisset. Cap. 12: Praeterea idem Bonifacius circa septimum pontificatus sui annum—certam ordinationem seu regulam suae cancellariae edidit, continentem in effectu, quod quicumque Archiepiscopi, Episcopi, necnon Abbates per eum promoti infra annum a tempore promotionis—computandum litteras ipsius Bonifacii super eisdem promotionibus usque ad

of his Curia, and was even defended without any sense of shame.<sup>8</sup>

*Thesaurarium expeditas non haberent, caderent a jure sibi acquisito ex promotionibus ipsis, ac Ecclesiae et monasteria ex eo per annum vacarent: dictaeque literae, licet solvissent per eum promoti aliquando pro majori parte expensas et onera, quae de novo promotis incumbunt, non dabantur de ipsa Thesauraria, nisi totaliter persolvissent.*—Et licet *Innocentius VII.*—dictam ordinationem tanquam injustissimam et nequissimam in principio sui pontificatus refutasset, postremo tamen ad importunam instantiam aliquorum lucri causa eam circa aliquos Praelatos renovavit in principio secundi anni sui pontificatus, propter quod Deus subito punivit eum, ut creditur, etc.—Under Boniface, multi religiosi, et praesertim mendicantium Ordinum fratres, quod possent ecclesiastica beneficia regere, et extra eorum ordines et loca religiosa morari, ac alia similia multa impetrarunt, nec potuit adeo quid injustum aut absurdum postulari, quod non concederetur intercedente simoniaco pacto et soluta pecunia. Comp. *Matthaei de Cracovia* (from 1405 Bishop of Worms, † 1410; as to him, see *Ullmann's Reformatoren vor der Reformation*, i. 336) *De Squaloribus Rom. Curiae*, a book written in the time of Boniface IX. (best in *Walchii Monim. Medii Aevi*, vol. i. fasc. 1), e. g. c. 11, p. 48: *Nec solum hoc modo destruuntur Ecclesiae et monasteria: sed etiam per hoc, quod dantur Cardinalibus vel mulieribus in commendas, vel assignantur et committuntur prioratus. Gobelini Personae Cosmodromii aet. vi. c. 84; in H. Meibomii Rer. Germ. i. 316.*

<sup>8</sup> Compare above, § 103, note 29. *Theod. a Niem. ii. c. 9: Curiales pro majori parte affirmabant talia licite fieri, cum Papa in talibus, ut dicebant, peccare non posset. Cap. 82: Vivente eodem (Bonifacio) quidam integri magistri in sacra theologia et alii in scientiis illuminati, dolentes ita communiter et aperte simoniam committi in Curia, et quod sic fieri posset, multis juristis et aliis pertinaciter asserentibus; in contrarium arguendo, et conclusiones in quaternas et codices redigendo determinarunt, licet sub magno timore, quod Papa vendendo ecclesiastica beneficia ex pacto intercedente simoniaco esset, quia non foret constitutus, ut illa venderet, sed ut dignis gratuito dispensaret. Among these works, which attacked the maxim of the Curia, that the Pope could commit no simony, quod Papa vendendo ecclesiastica beneficia ex pacto intercedente simoniaco esset, quia non foret constitutus, ut illa venderet, sed ut dignis gratuito dispensaret. Among these works, which attacked the maxim of the Curia, that the Pope could commit no simony, the following are the principal: *Matth. de Cracovia De Squaloribus Rom. Curiae Liber* (see note 7), cap. 11 ss., and the *Speculum Aureum* (written in 1404, quod alias intitular: *Petrus Paulus*, see *Jacobus de Misa in v. d. Hardt, Conc. Const. iii. 618*. According to an unfortunate conjecture in *Goldast's Monarchia*, ii. 1527, the author was commonly called *Paulus Anglicus*; according to *Theodorus Engelhusius* († 1434), in *Leibnitii Scriptt. Brunsv. ii. 1139*, he was *Albertus Engelstat*, or *Engelschalc*, Doctor S. Theol. *Fragensis*; on the other hand, a manuscript copy of the *Speculum*, in the library of the university at Bonn, calls the author *Petrus Averunus*: the best edition is in *Walchii Monim. Medii Aevi II. i. 67*), of which parts ii. and iii. p. 136, treat on this point. Cf. *P. ii. cap. 1: Video tot et tantos scribentes in jure canonico, et summistas simoniae vitium in Romana Curia excusare. Their reasons: Bernardus (de Botono) in glossa ord. (to Decr. Greg. i. 29, 12), ponit hanc communissimam distinctionem simoniae dicens: quod quaedam sunt simoniaca, quia prohibita, scil. constitutione Ecclesiae: quaedam prohibita, quia simoniaca de sui natura, quae scil. sunt novo et veteri testamento prohibita, ut emere vel vendere sacramenta.—Hanc distinctionem recipiunt communiter doctores, scribentes in jure canonico et summistae.— Simoniaca, quia prohibita, dicuntur, quae solum sunt spiritualia ex constitutione Ecclesiae, quae antea non fuerunt, sicut tituli beneficiorum ecclesiasticorum: et dicunt, talia jure positivo introducta, quia tempore Apostolorum non fuerunt decanatus, archipresbyteratus, canonatus, etc. Sic similiter dicunt, ea vendere vel emere est simonia ideo, quia constitutione Ecclesiae emptio vel venditio talium est prohibita.—Et ideo dicunt,—quod excusat auctoritas Papae, qui habet in talibus dispensare.—Quis enim dubitat, titulos ecclesiasticos jure positivo inductos? Nam solus Papa facit dignitates, instituit Praelatos.—Unde sola voluntas, tacita vel expressa, tollit jus.—Et ideo dixit Goffr. et alii, quod simonia non habet locum in Curia Romana. These principles are hotly contested by Paul in the *Dialogue*, until Peter confesses, *P. iii. c. 1, p. 189: Jam clare video, quod excusatoribus***

Thus at the end of this period both obediences were groaning under an equal weight of persecution. England alone repeatedly threw off every Papal oppression,<sup>9</sup> and, in 1404, Hungary also followed her example.<sup>10</sup>

### § 106.

#### EFFORTS TO END THE SCHISM.

In consequence of these ecclesiastical oppressions, which were the result of the schism, the religious scruples with regard to it were strengthened, and hence measures could be sooner taken for its settlement. The University of Paris, in particular, labored with unshaken perseverance to bring the schism to a close.<sup>1</sup> After it had long waited in vain for a fair agreement between the two popes,<sup>2</sup> the University at last obtained permission from the Court

*simoniae est sublata excusatio, et fundamentum, quo videbantur innixi, radicibus extirpatum. Imo, ut mihi videtur, haeresis est, asserere, quod Papa licite possit pro spiritali titulo recipere pecuniam: et multo magis, hoc facere in effectu. Propter quod videtur mihi, Paule, quod tota Romana Curia est in via damnationis, per ea, quae superius demonstrasti. Omnis enim curtisanus ipso facto sui officii videtur particeps simoniae.*

<sup>9</sup> King Richard II., at the request of his Parliament, 10th October, 1389 (in Rymer), forbade the bishops to levy the *impositio*, which the Pope required of the clergy without the consent of the King and Parliament. In the year 1392, the *Statute of Praemunire* of 1353 (see § 103, note 30), was renewed against all men, who endeavored to obtain at the Roman Court translations, processes, et sentences de escomengementz (*excommunications*), bulles, instrumentz ou autre chose qe conque, to the detriment of the King's rights (Statutes at Large by Owen Ruffhead, i. 406).

<sup>10</sup> King Sigismund, in consequence of a decree of the States of his realm, 6th April, 1404 (Katona Hist. Crit. Regum Hungariae Stirpis Mixtae, iv. 614), ordered that no ecclesiastical benefices should be granted, auctoritate apostolica vel alia quavis, praeter quam nostra, sine nostro speciali consensu, and that no literae apostolicae tam in causis beneficialibus, quam in aliis quibuscunque causis litigiosis, sacris vel profanis, sine nostro consensu speciali should be acknowledged and executed, and this, sub poena capitis et privationis beneficiorum et rerum singularum. The immediate cause of this was that the Pope had had Ladislaus crowned King of Hungary (Theod. a Niem, de Schismate, l. ii. c. 17, 18).

<sup>1</sup> It was, indeed, an especial sufferer during its continuance; see above, § 105, note 2. Its first steps in 1381 were directed against the church oppressions, Bulaei Hist. Univ. iv. 582 ss.—However, in the same year there appeared also Henrici de Langenstein or de Hassia (Vice-chancellor of the University of Paris, after 1384 Professor of Theology in Vienna) Consilium pacis de unione ac reformatione Ecclesiae in concilio universali quaerenda (in v. d. Hardt, Conc. Const. ii. 10, and in Jo. Gersonii Opp. ed. du Pin, ii. 809), and the Professor of Theology, Petrus de Alliaco, recommended a general council in an address to the Duke of Anjou as the best means for closing the schism, and assured him at the same time that this was the opinion of the University (Jo. Launoji Hist. Regii Navarrae Gymnasii, Paris. P. iii. lib. 1, c. 4).

<sup>2</sup> According to Bulaei Hist. Univ. Paris. iv. 618, so early as the year 1387, at the request of the University, Clement declared in letters to all princes and prelates, se Concilii generalis auctoritati et definitioni libenter submissurum imo cessurum, si sic Ec-

of France to render its verdict upon these events (1394).<sup>3</sup> Benedict XIII., notwithstanding his promise made before his election, showed even less inclination than his predecessor to take serious steps to close the schism.<sup>4</sup> To the urgent proposals of a French national-synod, in 1395, he returned only an evasive answer.<sup>5</sup>

clesiae videretur expedire. On the other hand, Urban, the Roman Pope, when some German nobles tried to persuade him, ut unionem faceret cum Clemente (Theod. a Niom, i. 66) kept his ground, quod ipse esset verus Papa, nec expediret illud in dubium vertere. However, his successor, Boniface IX., offered Stephen, duke of Bavaria, to appoint the anti-pope, apostolicae sedis legatus et pro Ecclesia Romana in temporalibus generalis Vicarius, for his lifetime, if he would submit, as Cardinal in partibus ultramontanis, quas Gallias et Hispanias appellant, etc.

<sup>3</sup> Cf. Chron. Caroli VI. lib. xiv. c. 9 (Chronique du Religieux de Saint-Denys, li. 94) : the opinion itself of 8th June, 1394, l. c. lib. xv. c. 3, p. 136, in Bulaeus, iv. 687, in d'Achery Spicil. i. 776. The University proposed tres vias ad pacem in Ecclesia obtinendam, viz., cessionis, which it chiefly recommended, compromissionis, and, Concilii generalis, aut secundum formam juris ex Praelatis tantummodo celebrandi, aut quia plures eorum satis, proh pudor! hodie illiterati sunt, pluresque ad alterutram partem inordinate affecti, mixtis una cum Praelatis ad aequalem eorum numerum magistris et doctoribus theologiae ac juris de studiis solemnibus utriusque partium antiquitus approbatis.—Si alter dissidentium aut uterque vias tres expositas inire obstinatius refugerit, eum velut schismaticum pertinacem, et—haereticum—judicandum, etc. At the same time, the University wrote also to Clement VII. (Bulaeus, iv. 699), exhorted him to cooperate in the eradication of the schism, and complained of his legate Petrus de Luna (afterward Benedict XIII.) : nobis ea quae audivistis erga praefatum Principem pro Ecclesiae salute agentibus—supervenit inimicus homo, qui—hunc totum laborem nostrum—extinguere et cassare, licet frustra, molitus est. Et primo quidem tentavit audientiam nostram in Regia praesentia impedire.—Deinde—super hac materia perpetuum silentium imperari nisus est, sed certe dignam—repulsam retulit, qui a Rege christianissimo—tam execrabile scelus poposcisset.—Nequam qui hoc cogitavit, nequior qui tam iniquo cogitatu consensit, nequissimus qui hoc ipsum abominandum facinus explere voluit.—Eapropter, Pater beatissime, per fidem integerrimam,—per amorem amplissimum, et sanctissimum, quem ad sponsam Ecclesiam habere debetis,—vos hortamur,—ut ad hanc sanctissimam concordiam, quae in manu vestra sita est, non ultra jam prorogando, intendatis. Satis jam satis huc usque cessatum est, satis tepuimus, satis quievimus, satis exspectavimus, etc. After reading this letter the Pope said (Chron. Caroli VI. lib. xv. c. 5, p. 184) : Istae literae sunt sanctae sedis apostolicae diffamatrices, veneno detractionis plenas : nec lectu nec recitatu dignae sunt. When, however, he came to discover that his cardinals agreed with the University (p. 186), dolore tactus intrinsecus coepit plurimum anxari, nec diu postea vixit.

<sup>4</sup> The wish of the King and the University that the election should be deferred (Chron. Caroli VI. lib. xv. c. 6, p. 188. Bulaeus, iv. 710. D'Achery, i. 770), was defeated by the speed with which it was carried through. The cardinals, in the mean time, on this occasion had pledged themselves upon oath (Chron. Caroli VI. lib. xv. c. 8, p. 198. Bulaeus, iv. 780) that whosoever of their number was chosen Pope, omnes vias utiles et accommodas ad unitatem Ecclesiae—sine machinatione seu excusatione vel dilatione quacunq̄ servabit et procurabit—usque ad cessionem etiam inclusive per ipsum de Papatu faciendam, si dominis Cardinalibus—hoc pro bono Ecclesiae et unitatis praedictae videatur expedire.

<sup>5</sup> As to this Council, see Chron. Caroli VI. lib. xv. c. 11, p. 218, and quoted thence in d'Achery, i. 778 ; the minutes are in Martene Ampl. Coll. vii. 437 and 458 ; both are in Mansi xxvi. 778. The *via cessionis* was pronounced the best, and the King sent the dukes of Berri, Burgundy, and Orleans to Benedict to recommend it to him (see the instructions in the Chron. Caroli VI. lib. xv. c. 12, p. 226, in Mansi xxvi. 787). The latter proposed, on the contrary (see the Bull in the Chron. Caroli VI. lib. xvi. c. 6, p.

The University, nevertheless, persevered in its endeavor,<sup>6</sup> and at length contrived that Charles VI., king of France, should join with the Emperor Wenceslaus in forcing both the popes to resign (1398).<sup>7</sup> Wenceslaus was, in truth, too weak to keep his word; moreover, he was himself deposed by the secret machinations of his Pope, Boniface IX. (1400).<sup>8</sup> On the other hand, by the decree of a new national-synod,<sup>9</sup> France withdrew from the obedience of Benedict; Castile followed her example<sup>10</sup> (1398); and this Pope was kept a prisoner at Avignon.<sup>11</sup> It was not till after the lapse

286, in d'Achery, i. 789), a personal interview with his adversary and a compromise, the uselessness of which might be foreseen. The cardinals were altogether for the King's proposal (Chron. Caroli VI. lib. xvi. c. 4, p. 265), and wished to sign a declaration to this effect (p. 308), but the Pope forbade them (p. 314, see the Papal Bull in d'Achery, i. 794). Compare particularly the narrative of the Monachus S. Dionysii, in his Chron. Caroli VI. lib. xvi. from which Bulaeus and d'Achery had already borrowed much before.

<sup>6</sup> Since Benedict, de praedictis indignatus, sine causa contra ipsam Universitatem et nonnulla ejus Supposita processus aliquos et sententias, seu beneficiorum privationes facere disposuit et facere praecipit et ad hoc faciendum aliquos commisit: so the University appealed, in 1396 (see Bulaeus, iv. 799), a praedicto Benedicto praetensisque Commissis et Committendis,—nec non ab omnibus et singulis gravaminibus—illatis et alias inferendis ad proximum futurum unicum, verum, orthodoxum et universalem Papam, etc. Against this appeal, which he said was instituted, sub occasione nonnullorum per nos eis, ut falso dicebat (Procurator Univ.) comminatorum et in posterum forsitan inferendorum gravaminum, quin potius ut sub pallio hujusmodi conceptarum malitiarum suum intentum valerent prosequi, Benedict issued on 30th May, 1396 (l. c. p. 820), the declaration, *non licuisse seu licere a Rom. Pontifice appellare, seu etiam provocare*: et nihilominus provocationem seu appellationem a jure prohibitam et damnatam esse, ac nullam, nulliusque efficaciam existere, etc. The University refuted this brief very skillfully in a second appeal (l. c. p. 821).

<sup>7</sup> Theod. a Niem, ii. c. 33. Anonymus in Martene Ampliss. Coll. vii. 431. Eberhard Windeck (about 1434) Gesch. Kaiser Siegmunds in Mencken Scriptt. Rer. Germ. i. 1077. F. M. Peltzel's Lebensgeschichte d. Königs Wenceslaus (2 Th. Prag, 1788. 90.), ii. 368. Dr. J. Aschbach's Gesch. Kaiser Sigmund's, i. 137.

<sup>8</sup> Peltzel, ii. 410. Aschbach, i. 151. Schlosser's Weltgesch. IV. ii. 522.

<sup>9</sup> Chron. Caroli VI. lib. xix. c. 1 (Chron. du Religieux de Saint-Denis, ii. 572). The minutes are in Bulaeus, iv. 829. Mansi xxvi. 839 ss. The royal edict of 27th July, Chron. Caroli VI. l. c. p. 598, in Bulaeus, iv. p. 853. Especially Chron. Caroli VI. p. 640: ab obedientia totali ipsius Benedicti—nos, Ecclesia, Clerus, et populus Regni ac Delphinatus—recedimus, nunciamusque auctoritate praesentium recessisse: volentes inter caetera, quod abinde inantea ipsi Benedicto—nullus—de emolumentis ecclesiasticis—solvere aut respondere praesumat. Quod etiam occurrentibus vacationum casibus assumantur ad Praelaturas, dignitates, et alia beneficia electiva per electionem; caeteris etiam beneficiis provideatur per collationem eorum, ad quos hujusmodi electio et collatio spectat:—districtius inhibentes universis et singulis subditis nostris,—ne praefato Benedicto, ejusque sequacibus—obedire quomodolibet—praesumant, etc. The eighteen cardinals of Benedict renounced obedience to him, and betook themselves to Villa Nova (see their letter to the King in d'Achery, i. 799): The burghers of Avignon, with the support of the cardinals, besieged the Pope in his palace (Chron. Caroli VI. lib. xix. c. 8).

<sup>10</sup> The edict of Henry III., 12th December, 1398, is in Raynald. ad h. a. no. 25.

<sup>11</sup> See Acta Vett. in Baluzii Vitae PP. Aven. ii. 1122.

of many years, and the breach of express engagements, that Benedict succeeded in regaining the Church of France to his obedience, A.D. 1403, by the help of the Duke of Orleans, who at that time had won the ascendancy at court.<sup>12</sup> It was, indeed, quickly manifest how little he meant to keep these engagements;<sup>13</sup> but as the Italian cardinals imposed similar engagements upon their new Pope, Innocent VII., on his election in 1404,<sup>14</sup> it was necessary to open negotiations, if only with a view to save appearances. The fruitlessness of this proceeding increased the general discontent: France threatened her Pope with a fresh withdrawal of allegiance (National Council of January, 1407),<sup>15</sup> when at length both the popes agreed upon a personal interview at Savona in September, 1407.<sup>16</sup> Benedict appeared there in person; Gregory XII., how-

<sup>12</sup> Negotiations for this purpose began as early as 1402. The Dukes of Berri and Burgundy, as well as the University of Paris, were against the restitution, the Duke of Orleans and the University of Toulouse in favor of it (Chron. Caroli VI. lib. xxiii. c. 18, Chron. du Religieux de Saint-Denys, iii. 60). The University of Toulouse, in order to effect its end, addressed a long letter to the King (Bulaeus, v. 4). This, however, was refuted by the University of Paris (ibid. p. 25 and 30), and in a prolix work of M. Guil. Ronacensis Praepositus (ib. p. 53). An unprinted refutation of the same work, by Simon Gramaud, patriarch of Alexandria, the President of the two national councils aforementioned, exists in MS. at the library of the University of Bonn. At length the party of Orleans, at a new national council, carried the restitution, Bulaeus, v. 63; Preuves des Lib. de l'Egl. Gall. ch. xx. no. 7. Those promises were made to the assembly by the Duke of Orleans (ll. cc.): Monseigneur le Duc d'Orleans se fait fort d'avoir Bulles de nostre S. Pere, de l'acceptation de la voye de cession en trois cas, sçavoir *Adversario cedente, decedente, vel ejecto*.—Item que nulle discussion ne sera jamais faite de la soustraction en Concile general, ne autre part, et toutes injures, qui ont esté faites ou dictes à cause d'icelle, et empeschemens, donnez d'une part et d'autre, soient annullez et pardonnez, et mondit seigneur d'Orleans se fait fort d'avoir Bulles, comme dessus.—Item le Roy ne l'église de France n'entendent point, que aucune chose soit innovée és collations et promotions faites par les Ordinaires pendant la substraction.—Item le Pape célébrera un Concile général de son obeyssance dedans un an, selon forme de droit, le plustot que faire se pourra, ou quel sera traité et appointé de la poursuite de l'union dessusdite et des Reformations et libertez de l'Eglise, et des subsides et charges quelsconques, qui sont par la Cour de Rome sur l'église de France. Et le Pape mettra à execution ce qui sera appointé et ordonné audit Concile. Chron. Caroli VI. lib. xxiv. c. 5-8.

<sup>13</sup> Contrary to his promise, he at once impugned the elections made during the separation; he caused the *Servitiae* and *Vacantiae*, for that period, to be demanded, and arrears for 40 years, etc. See the royal edict of 19th December, 1403, against all this, in Chron. Caroli VI. lib. xxiv. c. 16 (iii. 124), and in Bulaeus, v. 67.

<sup>14</sup> Theod. a Niem, ii. c. 34: ante electionem ipse Innocentius—ac ipsum eligentes praedicti Cardinales sponte jurarunt et voverunt, quod, quicumque ipsorum eligeretur in Papam, ad hoc, quod dicta unio fieret, ejus Papatui pure et sponte cedere deberet, dum tamen dictus Petrus de Luna (Benedictus XIII.) etiam suo Papatui sponte cedere vellet. This compromise of the cardinals may be seen in Martene Thes. ii. 1274 ss.

<sup>15</sup> Chron. Caroli VI. lib. xxvii. c. 17 (iii. 464). The minutes are in Bulaeus, v. 187. Martene Thes. ii. 1807. Mansi xxvi. 1017.

<sup>16</sup> Capitula accordata in Massilia die xxi. Apr. inter D. Benedictum ex una parte, et

ever, went only as far as Lucca, and opened fresh negotiations for another place of meeting.<sup>17</sup> This public breach of promise roused the Roman cardinals; they forsook their Pope, Gregory,<sup>18</sup> and renounced their allegiance to him,<sup>19</sup> at the same time that France withdrew from the obedience of Benedict.<sup>20</sup> Benedict, indeed, es-

duos Episcopos, etc., legatos D. Gregorii, etc., in Chron. Caroli VI. lib. xxviii. c. 1 (iii. 528), and in Martene Thes. ii. 1314.

<sup>17</sup> Theod. a Niem, iii. c. 14. 17-19. Ejusd. Nemoris Unionis Tract. iii. Leonardi Arctini (who was at Gregory's court), rerum suo tempore in Italia gestarum comm. (in Muratori Scriptt. Rer. Ital. xix. 926): Voluntas illa Pontificis (Gregorii) recta nequaquam satis habere firmitatis reperta est ad pontificatum deponendum: cujus rei culpam multi in propinquos ejus referebant; ab his enim formidines inanes, et adumbrata pericula quotidie fingi, ac instillari ejus auribus praedicabant, quibus ille deterritus nec Saenam accedere voluit, altero Pontifice illic constituto tempore se exhibente et absentiam ejus incussante; et in caeteris, quae facienda erant, difficilem se praebuit et morosum. Roma tamen profectus est Senas, ibique longiore mora protracta, cum ab universis accusaretur, Lucam se tandem contulit, data rursus inani spe quasi cum adversario Pontifice coiturus. Erat in altero Pontifice non melior sane mens, sed occultabat callidius malam voluntatem, et quia noster fugiebat, ipse obviam ire videbatur. Itaque Saona profectus est in Veneris Portum, atque inde, quo propior esset, Spediam venerat. Sed cum de congressu eorum per internuncios ageretur, noster tamquam terrestre animal ad litus accedere, ille tamquam aquaticum a mari discedere recusabat. On the negotiations of the King of France with both popes, see Chron. Caroli VI. lib. xxviii. (iii. 563), lib. xxix. c. 2 (iv. 3). The records of the negotiations of both popes are in Theod. de Niem Nemoris Unionis Tract. vi. c. 2 ss. Martene Thes. ii. 1366. Ejusd. Ampl. Coll. vii. 759.

<sup>18</sup> The immediate occasion of this was given by the commands of Gregory: Praecipimus omnibus—Cardinalibus—sub poena privationis cardinalatus et omnium beneficiorum,—ne a die quarta Maji in antea aliquis eorum exeat de Luca sine speciali et expressa licentia nostra;—ne ulterius congregentur in aliquo loco sine expresso mandato nostro;—ne aliquis eorum participet cum oratoribus Petri de Luna, neque cum oratoribus Gallicis sive per se sive per interpositam personam. The cardinals first appealed against these orders at Pisa on the 13th of May. (Th. de Niem. Nem. Unionis, vi. 10. Martene Thes. ii. 1394.)

<sup>19</sup> A royal edict of 12th January, 1408 (more Gallicano 1407), in Chron. Caroli VI. lib. xxix. c. 6 (iv. 18), Bulaeus, v. 147 and 172, declared, judicamus, nullum ad praesens patere validius in tam desperato malo remedium, quam quod neutri contententium, ac sibi forte successuris, praestetur deinceps obedientia a populo Christiano: deficiente aliquidem fomite ignis iste infernalis—collabetur. Quapropter—nos et Ecclesia regni nostri et Delphinatus Viennensis—decrevimus talem amplecti neutralitatem in festo Ascensionis proxime venturo, nisi interea nobis pulchra pax advenerit, et praedicta fiat unio. Benedict now published the bull of excommunication, which had been prepared before on 19th May, 1407, with reference to the National Council at that time assembled (Bulaeus, v. 143), in omnes et singulos, qui Ecclesiae unionem—impedierint, aut turbaverint, et a nobis—appellare praesumpserint, seu a nostra—obedientia recesserint, etc. This bull, and a letter which accompanied it (l. c. p. 152, d'Achery Spicil. i. 805), when delivered to the King, was solemnly torn to pieces; see Chron. Caroli VI. lib. xxix. c. 4 (iv. 9), Bulaeus, v. p. 170; and the king allowed neutrality. (Edict of 25th May, 1408, Bulaeus, v. 165.) A new National Council (11th August, and the following days) established Advisamenta super modo regiminis Eccl. Gallicanae durante neutralitate; see Chron. Caroli VI. lib. xxix. c. 9 (iv. 30); in Bulaeus, v. 175.

<sup>20</sup> They were encouraged to take this step by a letter from the King of France, 22d May (Bulaeus, v. p. 162), and the University of Paris, 29th May (l. c. p. 163). Their

caped the imprisonment with which he was threatened by flight to Perpignan; but the cardinals of both obediences united at Livorno, and summoned a general council at Pisa, in March, 1409, with a view to the termination of the schism.<sup>21</sup>

### § 107.

#### EFFECTS OF THE SCHISM ON THE GENERAL ECCLESIASTICAL VIEWS.

The schism, with its ecclesiastical oppression, furnished the impulse, and the impotence of the Papacy gave the long-desired opportunity for an unbiased trial of the existing state of the Church: it led men to opinions, which had hitherto been mooted only in violent struggles with the popes, and hence not without an appearance of passion and party spirit; but now they struck root so deeply, even among the most faithful adherents of the Church, that they could never again be entirely suppressed. Many an anxious gaze was turned backward to the earlier and better ages of the Church, in order to discover in its constitution the remedy for the scandals of the present. This was a problem for learning; its representatives, the universities, particularly that of Paris, were listened to with eager attention, and attained an influence which was formidable even to the popes.<sup>1</sup> This comparison of the present with the earlier ages of the Church could not

declaration *ad universos Christianos fideles*, from Livorno, of 1st July, is in d'Achery Spicil. i. 807: eundem Gregorium velut hæreticum et nutritorem schismatis antiquati dereliquimus sibi, cum juxta canonicas sanctiones peccatum sit ei obedientiam præstare, die xi. mensis Maji proxime præteriti omnem quantum in nobis fuit obedientiam juxta juris exigentiam abstraximus, ac recessimus ab eodem, dispositi ut oportuit et oportet ex adverso consurgere, et murum nos opponere pro domo Israël. Then follows a warning to all believers to obey Gregory no more.

<sup>21</sup> As to the summons issued by Benedict's cardinals, 14th July, see Chron. Caroli VI. lib. xxix. c. 14 (iv. 64), in d'Achery, i. 811; that of Gregory's cardinals is in d'Achery, i. 814.

<sup>1</sup> Cf. Prima Appellatio Universitatis a Benedicto XIII. A.D. 1396 (Bulaeus, iv. 806): Nec est credendum, Jesum Christum sponsam suam omni adjutorio spoliata relinquare velle; sed pie dicendum, adjutorem et propugnatorem suscitasse, suscitasse inquam Danielem eruditum in sapientia adversus senes, Susannam Ecclesiam, pudicam Christi sponsam, quæ unius cubiculi puritatem casto pudore custodivit et custodit, adulterare molientes, contra Jasonem et Menelaum præactos, de pontificatu dissidentes, Mathatiam Mathateoque (*leg. Maccabæosque*) legis Dei zelatores ferventissimos, Universitatem Parisiensem, matrem omnium scientiarum, fontem sapientiae totius inexhaustum, lumen Ecclesiae verum, quod nunquam appropinquat occasui, nunquam pertulit eclipsim, speculum fidei tersum et politum, convexum non concavum, non angulosum, nullis offuscatum nebulis, nullis contagiis maculatum; serenissimum Regem Francorum, solem justitiæ, illustres Duces caeterosque Principes domus Franciæ, stellas fixas in luce orthodoxæ religionis clarissimo resplendentes fulgore.



but lead to many convictions unfavorable to the Papal See. True, it was only here and there that an individual advanced so far upon this line of thought as to wish the Papacy quite removed from the Church as the source of all her evils.<sup>2</sup> But even its truest adherents now acknowledged the immoderate extension of Papal power, and the monstrous exaggeration of the Papal dignity.<sup>3</sup> They discovered, in the bent of the Papacy to secular power, the prime cause of all mischief, and even of the schism,<sup>4</sup> and they

<sup>2</sup> Epist. Univ. Paris. ad Clementem VII. A.D. 1394 (Bulaeus, iv. 700: jam eo ventum est, et in tantam perniciem erroremque res processit, ut plerumque passim et publice non vereantur dicere, *nihil omnino curandum quot Papae sint*, et non solummodo duo aut tres, sed decem aut duodecim, imo et singulis regnis singulos praefici posse, nulla sibi invicem potestatis aut jurisdictionis auctoritate praelatos. The theologian of Paris, Jo. de Guignecurtius, maintained that the Church could quite do without the Pope (Benbelona, ad Edict. Diocl. P. ii. p. 153, quoted in the *Catalogi Testium Veritatis Auctarium*, Cattopoli, 1667, p. 100).

<sup>3</sup> Comp. Jo. Gersonii *Considerationes de Pace*, in the sermon which he preached before Benedict XIII., in Tarascon, on New-year's day, 1404, *Consid. i.* (Opp. ed. du Pin, ii. 69): Quis non videat, quam impium est, praesertim apud eos, qui se ecclesiasticos dici volunt, si peritos in evangelica lege vel non consultare vel abjicere, vel majori sacrilegio, habere probo cognoscantur; hinc errores, hinc praesumptuosae assertiones, hinc perplexitates inexplicabiles, hinc obstinatae defensiones adinventionum humanarum in perniciem Ecclesiae et pacis salutiferae, finis sui, surgunt: ut, *quod non licet disputare de potentia Papae, quod non potest sibi dici, cur ita facis?* cum tamen sit peccabilis; *quod non potest in aliquo casu Ecclesia sine eo convocari vel aggregari; quod hic est fidei articulus, Benedictus est Papa* (exempli gratia); *quod non potest in aliquo casu ad Concilium Papa vocari; quod absque eo non stat salus*, cum tamen salus Ecclesiae in solum Deum ordinetur absolute et essentialiter, et in hominem Christum de ordinata lege, sed accidentaliter ordinatur in Papam mortalem: alioquin, dum vacat Sedes per mortem Papae vel naturalem vel civilem, utputa si sit haereticus depositus, quis hominum salvus esset? *Alii Papam praedicant impeccabilem, alii omnipotentem, alii sine ulla exceptione credunt extra salutis statum quemlibet suae parti non obedientem.* Quod quanta temeritate dicatur, ipsi viderint assertores.

<sup>4</sup> Compare the Jurist's Jo. Petri de Ferrariis *Practica* (written 1409-1413), *Forma suspensionis rei conventi* (Edit. Lugdun. ann. 1502, fol. 39): Quomodo et quot modis isti clerici illaqueant laicos, et suam jurisdictionem ampliant! Sed heu miseri Imperatores et Principes saeculares, qui haec et alia sustinetis, et vos servos Ecclesiae facitis, et mundum per eos infinitis modis usurpari videtis, nec de remedio cogitatis, quia prudentiae et scientiae non intenditis, etc.—fol. 43 verso: among the casus, in quibus non currit praescriptio,—nonus est, dum est schisma in Ecclesia Dei, sicut moderno tempore, quo sunt duo Papae, qui jam durarunt XXX. annos et ultra; et perseverabit, nec unquam quiescet Ecclesia, nec Italia, donec ipsa Ecclesia possideat civitates vel castra, et donatio eisdem facta per Constantinum fuerit per aliquem probum et potentem Imperatorem penitus revocata, cum non bene conveniat psalterium cum cithara, nec datum sit a Christo, nec a b. Petro, quod possidere debeant talia. Sed quod est Caesaris, reddatur Caesari, et quod est Dei, Deo.—*Forma in actione confessoria pro servitutibus*, fol. 113 verso: Vides, quod ipse Papa, qui deberet tanquam verus vicarius vestigia sequi Jesu Christi, possidere et manu armata nititur detinere jurisdictionem in terris, civitatibus et villis et locis, quae sunt naturaliter, et a mundi creatione et Christi ordinatione, Imperii Romani.—Immo ipse Papa in ipso Imperatore nititur superioritatem habere, quod ridiculum est dicere, atque abominabile audire. Nam naturaliter a principio mundi omnes Clerici, nedom Laici, erant sub potestate et jurisdictione Imperii: sed ipsorum Imperatorum dul-

wished the times back again when the emperors could convoke synods by their own authority to strangle a schism at its birth.<sup>5</sup> No less general was the discontent expressed against the Papal oppressions of the Church, and the wish to remove them by limitations of the Papal power.<sup>6</sup> Hitherto only adversaries of the popes,

cedine et benignitate fuerunt clerici dimissi sub potestate Papae, et beneficium hoc tanquam ingrati sciunt male cognoscere, ut notat P. Innoc. in c. ii. *de maj. et obed.* Bene ergo et sancte faceret ipse Papa, si totam corporalem jurisdictionem in manibus Imperatoris remitteret, nec aliter unquam respublica, et maxime Italia, quiesceret: nec ulterius de papatu tale schisma, quale fuit et est XXXVI. annos praeteritos, ullo tempore amplius accideret: et ex hoc status universus clericorum magis redderetur Deo ac populo devotus, et ipse Papa cum Cardinalibus viveret quietius ac Deo devotius, et populo magis acceptius et gratius.

<sup>5</sup> Theodoricus a Niemi de Schismate, iii. c. 7: Fatue et adulatorie loquuntur illi, qui dicunt, quod Papa seu Ecclesia duos habet gladios, scil. spiritualem et temporalem.—Etenim si uterque gladius apud Papam existeret, supervacue vel fecte Imperator, vel Rex Romanorum illud nomen haberet. Sed isti adultores seu assentatores per talia scripta et dicta inducunt maximum errorem in tota Christianitate, et suscitant quodam modo perpetuam aemulationem seu discordiam inter Papam et Imperatorem. Conculcatur enim per hoc imperialis auctoritas, et ejus potestas sub dubio collocatur in totius reipublicae detrimentum, ut videmus. Patet enim ex Decreto, quod, cum schisma viget in Romana sede, quod propter auctoritatis excellentiam et in temporalibus potentiam Imperator, vel Rex Romanus Praelatos ecclesiasticos potest convocare, ut illud omnino tolleretur. Quod credo intelligi debere de illis, qui re et nomine Imperatores vel Reges existunt Romani, non autem de illis, qui desides, seu solo nomine Imperatores seu Reges Romani sunt, sicuti fuerunt Imperatores et Reges Romani, quos nostro tempore habuimus et habemus. Illi enim non merentur Imperatores vel Reges Romani nominari, qui sunt pusillanimes et effoeminati. To put them to shame, he relates how Theodorich, king of the Ostrogoths (Dieterich von Bern), proceeded on a disputed Papal election: quod autem imperialis potestas sit praecipue super malum et incorrigibilem Pontificem Romanum, per quem scandalizatur Ecclesia. This he proves, in c. 9, from the conduct of Otto I. toward John XII.: tunc erat adeo excellens Augustus, quod nemo contra ejus voluntatem aliquem Papam, praesertim malignum, abjectum, vel schismaticum ausus fuisset publice confovere. Cap. 10: Quid igitur inducit aliud haec pompa tantorum temporalium dominiorum, de quibus nunc gloriatur Ecclesia Romana, quam negligentiam in spiritualibus, et erectionem tyrannorum in eisdem dominiis, et divisiones seu schisma in eadem Ecclesia, et alia mala plurima [*sicut*], satis est notum. Cap. 11: Quis tunc disputasset cum eodem magno Augusto Ottone de ipsius judicio super contententes super Papatu, seu perverso unico Papa, scil. quod nisi a Deo possent judicari? Utinam talis Imperator surgeret temporibus nostris, qui nunc cassaret scripturarum multiplicitatem in hoc labyrintho, quae adeo creverunt,—quod vix eos centum cameli portarent.—Nec credo illud obstare, quod Canonistae dicunt, quod Papa, nisi a fide sit devius, dejici non possit, et quod nemo judicat primam sedem.—Quae licet ita teneantur, tamen in putativo et contentente de Papatu in schismate variantur nec subsistunt, nec etiam intelliguntur rationabiliter in uno et indubitato Papa malefico, et Ecclesiam scandalizante, quia ille revera proprie dici non potest Christi vicarius,—sed beatia magis proprie appellatur, etc.

<sup>6</sup> Benedict XIII. had to promise this to the French Church in 1403; see above, § 106, note 12. Matthaeus de Cracovia, de Squaloribus Rom. Curiae (see § 105, note 7), cap. iii.: Considerandum, quo jure, ratione, vel modo sedes apostolica sibi usurpaverit promotionem et provisionem episcopatum, abbatiarum, et aliarum dignitatum, collationem quoque omnium beneficiorum, quae sunt de jure patronatus spiritualium personarum. Et videtur quod non de jure, sed contra jus et cum injuria capitulorum,—quibus competeat electio,—nec non cum injuria Episcoporum, etc.—Forte dicitur, quod sedes apo-

at open war with them, had appealed to a general council as a higher authority,<sup>7</sup> but during the schism circumstances led to a general acknowledgment that such a council must rank above the Pope.<sup>8</sup> After the Council of Pisa was summoned to terminate the contest between the two popes, and set a limit to the abuses of Papal power, the canonists vied with each other in demonstrating this new opinion, so disadvantageous to the Papacy, of the superiority of general councils to the Pope,<sup>9</sup> and thus the Papal

lica fecit hoc ob culpam, et in poenam Praelatorum et capitulorum, quia hi eligebant et illi providebant minime bene. Sed si illa ratio valeret, tunc etiam deberet auferri et dimitti ab Ecclesia Romana : quia jam providet ita male, sicut prius est factum.—Insuper hoc non est de jure introductum, sed per cautelam et astutiam. Quia, ut fertur, in principio electionis ac coronationis suae apostolici dirigebant primarias preces dioecesis pro familiaribus suis. Talis enim ordo et Romanae Curiae fuit consuetudo, quod primo monitoriae, secundo praeceptoriae, ultimo executoriae literae concedebantur (Div. 2, § 62, note 13).—Item non erat verisimile, quod nullus Praelatorum bonus et diligens fuerit in providendo, et ideo non debuit omnibus auferri.—Amplius haec non est poena medicinalis, quae non sanat, sed mortificat. Nec enim per hoc provisum est, ne male provideant, sed ne quicquam in hoc boni vel mali faciant, sicut si Deus homini peccanti libertatem voluntatis auferret, ne ultra peccaret.—Amplius quando Praelati conferebant beneficia, melius impediri vel revocari potuit mala provisio, et puniri male providens, quam jam. Tunc enim Papa tanquam superior potuit irritare provisionem, privare institutos, et instituere meliores. Hoc autem per inferiores contra superiorem fieri non potest tam bene vel congrue. The popes were wanting in sufficient local information always to provide aright. Evil consequences of the Papal reservations. Cap. iv. : Posito autem, sed propter rationes praemissas non concessio, quod Papa de jure—potuerit omnium beneficiorum et dignitatum sibi collationem attrahere, quid boni vel utilitatis importat ista mirabilis multitudo *gratiarum* ad beneficia vacatura?—tot gratiae sunt, ut non sit possibile, vel medietatem earum effectum habere.—Hence in Cap. v. the advice, recurrendum ad priora jura, non faciendo gratias exspectativas, and to leave provisions to the Ordinaries, sicut erat prius. Comp. Speculum Aureum (see § 105, note 8), cap. 4 ss. De Ruina Eccl. (see § 103, note 5), cap. 4 ss.

<sup>7</sup> Philip the Fair, Div. 2, § 59, note 32. Lewis the Bavarian; above, § 99, note 19.

<sup>8</sup> Matthaeus de Cracovia, de Squaloribus Rom. Curiae, c. 20: Dicunt (the curialists), quod si Papa peccet, oportet tamen obedire et non resistere,—imo nec judicare, quia membra non debent regere caput, sed e converso. It was allowed: nullus inferior habet judicare superiorem, imo nec communitas, quamdiu restat aliquis superior, cui de jure competat, et qui velit justitiam facere.—Quando vero non est aliquis talis, qui possit, et si est aliquis talis, qui possit, et si est invocatus, non velit facere, quod officii sui est; tunc communitas tota, vel hi qui sunt et totum simul aut partes repraesentant, possunt judicare eum, in quo manifestum est eum delinquere, et in quo incorrigibilis esse et perseverare comprobatur. Cap. 21: Ad hoc convenientius declarandum, ponatur casus,—quod ipse Deus aliquem Abbatem—exemerit—ab omni jurisdictione spiritualium et saecularium, etiam Papae, et quod Abbas ille in reprobum sensum conversus gravet monachos suos, contra regulam intrantes simoniace recipiat,—omnes sibi consentientes permoveat ad agendum contra salutem suam et regulam, committitque bona monasterii monachis dissipatoribus eorundem. Et arguitur primo, quod in hoc casu non teneantur ipsi obedire monachi, sed resistere et opponere se ipsi,—et si opus est, ad ejus depositionem procedere. This is then proved.—Cap. 22: Si ergo contingat, quod Papa sic agat circa universalem Ecclesiam, sicut talis Abbas,—sequitur,—quod possint et debeant procedere contra eum.

<sup>9</sup> Rich. Ullerstoni (professor at Oxford) Petitiones quoad Reformationem Ecclesiae

system of the late centuries seemed to be threatened with total overthrow.

*Militantis* (written A.D. 1408), in v. d. Hardt, *Conc. Const.* i. 1127. Franc. Zabarella (bishop of Florence, after 1411 cardinal, † 1417), *De Schismate* (written 1409), in Scharidii *Syntagma Tractatum de Imperiali Jurisdictione ac Potestate Eccl.* p. 235, and at the end of Theod. a Niem, *Histor. Sui Temporis*, Argent. 1609, p. 537. Jo. Gersonii *Tract. de Unitate Eccl.*, written in January, 1409 (Opp. ed. du Pin. ii. 114). Consider. ii. : *Unitas Ecclesiae essentialis semper manet ad Christum sponsum suum, nam caput Ecclesiae Christus.—Et si non habet vicarium, dum scilicet mortuus est corporaliter vel civiliter, vel quia non est probabiliter exspectandum, quod unquam sibi vel successoribus suis obedientia praestetur a Christianis; tunc Ecclesia tam divino quam naturali jure, cui nullum obviat jus positivum rite intellectum, potest ad procurandum sibi vicarium unum et certum semet congregare ad Concilium generale repraesentans eam, et hoc non solum auctoritate dd. Cardinalium, sed etiam adjutorio et auxilio cujuscunque Principis vel alterius Christiani. Non enim habet corpus Ecclesiae mysticum a Christo perfectissime stabilitum minus jus et robor ad procuracionem suae unionis, quam corpus aliud civile, mysticum, vel naturale verum: neque enim est de immediato ac immutabili jure, divino vel naturali, quod Ecclesia se non possit congregare et unire sine Papa, aut sine aliquo particulari Statu vel Collegio, ubi in casu cadere potest mors vel error.—* Consider. x. : *Occurrere possunt casus multi, in quibus pro adeptione pacis publicae aut justae defensionis, sicut vim vi repellendo, liceret a rite electo in Papam substrahere obedientiam, liceret in neutralitate manere, liceret ipsum corporaliter incarcerare, liceret ei administrationem omnem publicam interdiceret, liceret per appellationem aut simile remedium sibi resistere, fieretque sic obedientia vera potius quam contradictio vel resistentia:—liceret concilium generale eo invito celebrare, liceret tandem ipsum ad cessionem compellere, vel renitentem dejicere ab omni honore et gradu, immo et vita privare. Haec omnia denique taliter licere possunt stabili jure divino et naturali, quod adversus hanc veritatem nulla lex vel constitutio puri hominis cujuscunque sine nova autorizatione Dei fieri debet, quia erroris intolerabilis damnanda sit. Comp. his book written soon afterward, lib. de Auferibilitate Papae ab Ecclesia (l. c. p. 209). Consider. ix. : *Auferibilis est vicarius sponsum Ecclesiae per voluntariam ejus cessionem aut renunciationem a Papatu. Cons. x. : Auferibilis est in casibus dabilibus vicarius sponsum Ecclesiae ab ipsa Ecclesia,—sive consentiat ipse—vel non consentiat suae cessionem.—Nam si vicarius sponsum potest resignare sponte ipsi Ecclesiae, dando ei libellum repudiij; cum sponsum et sponsa non debeant quoad hoc impari jure censi, poterit similiter repudiare sponsum talem ipsa Ecclesia sponsa, dum par ratio vel potior adducitur pro ipsa contra sponsum; vel quia prostituere quærit eam quantum in se est, vel tyrannide saeva tractare, lanian-do eam vel plagando, bona sua dissipando, vel quia abuti conatur ea in perniciem filiorum.—Quomodo etiam uni singulari personae fas esset in casu violentiae attentatae per Papam verum contra castitatem suam vel vitam, vim vi repellere, cum appositione in-culpatae tutelae, etc., et ita licite stabit, quod tangat Papam violenter, vel in mare dejiciat: cur similiter, in casu, non liceat idem toti Ecclesiae pro defensione sua, et violentiae attentatae cauta repressione. Cons. xii. : Auferibilis est in casu vicarius sponsum Ecclesiae per Ecclesiam, vel generale Concilium, nedum conciliative, aut dictative vel denunciative, sed auctoritative, judicialiter atque juridice.—Sicut enim tradit Aristoteles V. Politic., quod ad communitatem totam spectat Principis vel correctio, vel totalis destitutio, si inemendabilis perseveret.—Sic Symmachus, sic b. Marcellinus, sic ipse Gregorius, sic alii plures judicium subiere Concilii: nequaquam ex humili condescensione, sicut fingunt aliqui, sed ex debito et obligatione: quorum multos, quia Concilium non reperit convictos de crimine, reliquit causam eorum examine judicis Dei terminandam.—Spernens concilium Ecclesiae, spernit Deum, a quo dirigitur. Et ita consequenter apparet enormis error dicentium, quod deliberatio Papae praeponderat super delibe-ratione ex concilio Ecclesiae seu Concilii generalis, nec tenetur Concilium insequi aut eidem acquiescere nisi velit. The way in which the opinion that a general council was above the Pope first met with general recognition in this time is shown by Gerson's ex-**

## SECOND CHAPTER.

## HISTORY OF THE HIERARCHY OF THE NATIONAL CHURCHES.

## § 108.

## THEIR RELATION TO THE STATE.

The jealousies between the ecclesiastical and secular tribunals, arising from the immoderate extension of ecclesiastical jurisdiction, still continued, but they began more and more to result in favor of the secular. In Germany the fundamental principle that secular causes belonged only to secular tribunals, had been recognized long before, even by the prelates, who were themselves temporal lords of the land:<sup>1</sup> it was as a general rule always maintained,<sup>2</sup> though in individual cases the ecclesiastical tribunals continually overstepped their limits.<sup>3</sup> But only during

pression in a later work, *Circa materiam excommunicationum resolutio*. Cons. viii. (l. c. p. 423): *si dicatur quod ita potest a Papa fieri appellatio ad Concilium generale, dixerunt olim ante Concilium generale Pisanum et Constantiense, quod hoc nullo modo licebat.*—Sed constanter nunc asseritur, quod est haeresis, viz., to deny this. Accordingly, Thomas Cajetanus, 1511, in his *Tract. de Comparatione Auctoritatis Papae et Concilii*, c. 10, designates this opinion as, *novam quandam imaginationem Joannis Gerson.*

<sup>1</sup> Comp. Div. 2, § 63, note 28.

<sup>2</sup> Comp. the prohibition of Lewis the Bavarian, A.D. 1318, against bringing a civil cause before an ecclesiastical court, in *Gudeni Sylloge Diplom.* p. 487. Comp. his decree, A.D. 1329, in the *Frankfort Privilegia*, p. 16. The Golden Bull (1356), cap. xi.: *in defectu vero justitiae praedictis omnibus ad imperialem duntaxat Curiam et tribunal, seu judicis immediate in imperiali Curia pro tempore praesidentis audientiam, et etiam eo casu non ad quemvis alium judicem sive ordinarium sive etiam delegatum, his quibus denegata fuerit justitia, liceat appellare. Quicquid vero contra praemissa factum fuerit, sit irritum eo ipso (directed against ecclesiastical encroachment, Div. 2, § 63, note 26; see Olenschlager's *Neue Erläuterung der goldenen Bulle*, s. 240). Count Adolph of the March in 1402, had his parochial clergy gathered together, and sternly charged them (Scotti's *Cleve-Markische Landesverordnungen*, i. 18), *ut nulla mandata s. praecepta quorumcunque judicum apostolicorum vel ordinariorum ad se reciperent,—publicarent aut exequerentur quovis modo in causis saecularibus vel profanis, exceptis duntaxat in iv. causis spiritualibus et ecclesiasticis, videlicet de testamentis et legatis, de matrimoniis, synodalibus, et redditibus spiritualibus et ecclesiasticis*, with a threat in case of disobedience, *quod ille absque dilatione a suo territorio seu dominio excederet sub obtentu corporis, rerum et bonorum*; this decree, he said, had been made before by his father, Count Engelbert, and his brother Theodore.*

<sup>3</sup> E. g. The clergy of Mayence in Hesse; comp. Kopp's *Nachricht v. d. Verfassung der geistl. u. Civil-Gerichte in d. Hessen-Casselschen Landen*, Th. 1 (Cassel, 1769. 4.), s. 177. But in the compacts of 1347 and 1354 the general maxim was recognized: thus in the latter the Archbishop of Mayence promises (Kopp, s. 181): "*Wir sollen auch nit gestaden, daz man der Lantgreven von Hessin Untertanen, die da Leyen sint, an unser geistlich Gerichte ladin sulle in wertlichen Sachen ane Geverde: gesche ez abir, so sollen unser Richter als wieder senden an yrer Herren Gerichte, und wer die Ladunge getan hetto,*

the schism could the Emperor Wenceslaus execute his decisions in things temporal, against the higher orders of the clergy, by deeds of violence.<sup>4</sup> The cities continued to tax the excessive revenues of the ecclesiastical sovereignty. They either forbade altogether the increase of Church property, or decreed that all fresh acquisitions should be alienated again in a year and a day, or required from the new revenues the customary taxes.<sup>5</sup> Now that the parish priests, in the reception of testaments, provided too well for themselves and the Church, it was determined that wills should be made only before the secular authorities.<sup>6</sup> Paderborn even prohibited the multiplication of masses for souls.<sup>7</sup> Still the popes

der sal dem andirn sine Kost abelegen, und sullent sie unsir Richter darumb nicht ban-  
nen."

<sup>4</sup> In 1381, the city of Breslau was put under ban and interdict by the cathedral chapter during the vacancy of the See, because it had taken away a cask of foreign beer from the dean. As they refused to give way, Wenceslaus banished the canons for two years from the city, and gave up their property to be plundered (Pelzel's *Leben des Königs Wenceslaus*, i. 105). Thus also, in 1388, the King kept the Archbishop of Prague a prisoner at the Carlstein, and gave up his property to be spoiled, because he would not yield in a dispute with the King's marshal about a weir in the Elb. (Pelzel, i. 143).

<sup>5</sup> The Emperor Albert granted to the city of Ulm, in 1300, a privilege to this effect (Jäger's *Ulm's Verfassung im Mittelalter*, s. 359), to the city of Augsburg, in 1306 (Lönig's *Reichsarchiv*, xiii. 90). Heilbronn first established this right for itself, and then obtained its confirmation by a *privilegium* of the Emperor Lewis IV., 1359 (Jäger's *Mittheilungen zur schwäb. u. fränk. Reformationsgeschichte*, s. 9). Ratisbon passed the same decree on its own authority in 1308; Munich in 1345; Cologne in 1385 (Hüllmann's *Städtewesen des Mittelalters*, iv. 129); likewise Wetzlar in 1319 (Gudenus *Sylloge I. Variorum Diplom.* p. 490), Brunswick (*leges Brunsv. in Leibnitii Scriptt. Brunsv.* iii. 442). The same was established for Cassel in a compact of the townsmen with the landgrave Henry, A.D. 1354 (Beurkundete Nachricht von dem Klosterhaus Schiffenberg, Th. 2; Giessen, 1755, fol.; Beilagen, no. 170). In Lübeck neither houses nor plots of land could be bequeathed to the clergy (*Jus Lubecense in de Westphalen*, iii. 625). The *Jura municipalia*, which the Duke Albert II. granted to the city of Vienna in 1340, decided (A. Rauch, *Rerum, Austriacarum Scriptt.* iii. 50), that the civic property of citizens could not be granted or bequeathed to cloisters, and that if it were to be done with the consent of the council, the property must be sold to a burgher within the year, otherwise it would be confiscated to the town. Also in Wismar, no landed property could fall into ecclesiastical hands (D. Schröder's *papistisches Mecklenburg*, s. 1070): Rbnits even decreed, in 1329, that all property which had accrued to the monastery of St. Clare should be alienated within three months (Lamberti Schlaggert, *Chron. Coenobii Ribenicensis in de Westphalen*, iv. 857). The Emperor Charles IV., in 1360, granted to the cities of *Lusatia* the privilege that ecclesiastical persons should not become possessed of landed property within their limits either by gift or by will (Reinhard, *de Jure Principum Germaniae circa Sacra*, p. 222). Nevertheless by an ordinance of 1377 he annulled all those *Statuta* which nobles and cities, *Dei timore postposito*, had issued to the purport, *quod nulla bona temporalia in potestatem ecclesiasticam transferantur* (Eccard, *ad Legem Sallicam*, p. 203): however, those *Statuta* remained still unaltered.

<sup>6</sup> Thus in Ulm, 1367 (Ulm's *Verfassung im Mittelalter v. Jäger*, s. 385), K. Wenzel's *Privilegium für Frankfurt* (Senckenberg, *Selecta Juris et Hist.* i. 565), Kopp, *de testamentis Germanorum*, p. 147.

<sup>7</sup> The *Consoles* decreed in 1379 (Gobellini *Personae Cosmodrom.* vi. c. 70, in Meibom,

tried to maintain a good understanding with the cities, and bind them to themselves by means of privileges.<sup>8</sup> During the schism many concessions were made to the nobles also: thus Boniface IX., in 1399, allowed Albert IV., duke of Austria, the *jus primarum precum*.<sup>9</sup> The free Swiss, by the priest's law (Pfaffenbrief), in 1370, put an end to the encroachments of the ecclesiastical tribunals.<sup>10</sup> In Italy the operation of the ecclesiastical tribunals, like the condition of the whole country, was very fluctuating. Under Ghibelline lords they were often quite suppressed.<sup>11</sup> In France ecclesiastical jurisdiction had reached its greatest extension: the kings connived at it, because they wished to keep their bishops well inclined to themselves, and knew how to tax any irregularities of the ecclesiastical tribunals. On the other hand, the barons were continually at issue with the prelates on this point, and from both sides there were unceasing complaints of usurpation.<sup>12</sup> The

i. 286), quod quicumque civis—in exequiis alicujus defuncti offerret plus quam ad unam Missam, solveret Consulibus marcam argenti, cum prius ad tres Missas ut plurimum offerri moris erat, et sic duae Missae deinceps in exequiis subtractae sunt. To this was added, in 1405, the decision (l. c. p. 289), quod cives, volentes exequias peragere defunctorum, debent illas dominicis diebus duntaxat peragere.

<sup>8</sup> Thus many cities obtained the privilege, that any interdict laid upon them on account of individuals should be removed so soon as the excommunicated persons left the city. Thus Wolfhagen, in 1395 (Kopp's Nachr. v. d. geistl. u. Civilgerichten in d. Hessen-Casselischen Landen, Th. 1, Beil. s. 61), Wismar and Rostock, in 1398 (Schröder's papist. Mecklenburg, s. 1647). Wismar received in 1400 from Boniface IX. the right, that no citizen should be summoned before a foreign ecclesiastical court, the *jus de non erocando*; see C. F. Crain's Reformation d. Kirche in Wismar (Wismar, 1841. 4.), s. 8.

<sup>9</sup> See the documents in Kurz, Oesterreich unter Herzog Albrecht IV. Th. 1 (Linz, 1830), s. 185.

<sup>10</sup> Tschudi's Schweizerchronik, i. 472. No ban was to be endured in cases of debt and other secular matters. No clergyman should seek a foreign court, whether ecclesiastical or temporal; otherwise meat and drink and lodging should not be given him, no man should have dealings with him in buying or selling, or other intercourse. Comp. Müller's Schweizergesch (Leipz. 1825), ii. 287.

<sup>11</sup> Comp. above, § 101, note 10 and 19.

<sup>12</sup> Complaints on the side of the clergy: Durandus, de Modo Concilii Generalis Celebrandi, P. ii. tit. 70: Quasi per quandam alluvionem frustatim domini temporales ad se omnia trahunt. Et sicut frustatim lupus agnum comedit, ita per ipsos jurisdictione ecclesiastica frustatim quodammodo devoratur, quicquid ad ecclesiasticam jurisdictionem, potissime quoad temporalia, pertinet, sibi auferri putantes: after that comes a long list of secular encroachments.—Conc. Avenionense, ann. 1326 (Mansi xxv. 739), c. 8-10; c. 14 against the interference of temporal courts with regard to the clergy; c. 42, 43, against hindrance of ecclesiastical jurisdiction.

On the complaints of the secular side see, especially, the 66 *Gravamina* in the work of Peter Bertrand (Goldasti Monarch. ii. 1362), quoted in note 18: I. Officiales Praelatorum impediendo jurisdictionem temporalem, nituntur sibi attribueri cognitionem causarum realium, specialiter super possessione et super omnibus interdictis. II. Item quando laicus turbatur vel impeditur in possessione terrae suae per aliquem clericum, et

remarkable negotiations which were instituted by command of King Philip of Valois, with the prelates summoned before Parliament (1329),<sup>13</sup> owing to the King's<sup>14</sup> political scruples, failed of

propter hoc impetrat adiornamentum (citation) a iudice saeculari in casu novitatis vel alias: Officiales Praelatorum—faciunt moneri ad instantiam clerici iudicem saecularem et partem, ut post adiornamentum cessent sub poena excommunicationis et certae pecuniae quantitatis. III. Item cum cognitio personarum laicarum pertineat ad iudicem saecularem, exceptis casibus spiritualibus, Officiales Praelatorum faciunt eos citari coram se ad instantiam partis. Et si dictae personae laicae declinant jurisdictionem dictorum Officialium,—dicti Officiales—compellunt per excommunicationem partes ad procedendum coram eis. IV. Item Praelati faciunt concilia provincialia, et synodalia statuta, in quibus plura faciunt et ordinant in grande praepudicium jurisdictionis temporalis. XIV. Item si duo laici sint in processu in curia alicujus domini temporalis super actione reali vel personali, et contingat, quod altera partium diffugiendo appellet ad curiam alicujus Praelati coram Officiali suo, post magnos processus factos et litem contestatam Officiales—nituntur retinere cognitionem talium causarum,—et virtute monitionum et sententiarum faciunt desistere dominum temporalem a cognitione causae post appellationem: quod nisi faciat, excommunicatur et trahitur ad emendam.—XXIII. Item ad finem, quod dicta curia ecclesiastica augmentetur, dicti Praelati faciunt magnam multitudinem tonsurarum pueris aetate minoribus,—ac hominibus conjugatis insufficientibus et illiteratis.—XXX. Item si contingat, quod gentes regiae capiant aliquem malefactorem pro crimine certo per eum commisso, et idem malefactor dicat se clericum esse, licet nec tonsuram, nec habitum deferat clericales, Officiales Praelatorum faciunt in continenti detinentes et capientes compelli per monitiones et sententias ad restituendum sibi praedictum malefactorem tanquam clericum suum. XXXIV. Item quando aliquis malefactor redditur iudicibus Ecclesiae per iudices saeculares tanquam clericus; amici ipsius malefactoris veniunt ad Officiales Praelatorum, et concordant cum eis: et sic dimittunt sine punitione: et sic pejora committunt quam ante, licet crimina essent notiora. XLII. Item iudices ecclesiastici in quocunque casu nituntur habere cognitionem injuriarum, sive in verbis, sive in factis commissa sit injuria: necnon uxorum clericorum, licet sint mercatrices, et eorum mariti similiter mercatores.—XLIII. Item volunt habere cognitionem bonorum tam mobilium quam immobilium viduarum.—LXV. Item testaments quoque volunt per manus suas executioni tradere, inventaria facere bonorum defunctorum, eademque servare et haeredibus distribuere, et habent officiales, qui super his exequendis duntaxat deputati existunt. LXVI. Item quod aliquando testamentis coram tabellionibus factis nolunt adhibere fidem, nisi prius per ipsos Officiales fuerint approbata.

<sup>13</sup> See Actio Petri de Cugneriis, Consiliiarii Regii, et Petri Bertrandi, Episc. Aeduensis (after 1331 Cardinal) de Jurisdictione Ecclesiastica et Politica coram Philippo Rege Franciae habita anno 1329 (in Goldasti Monarchia, ii. 1361, and Bibl. PP. Lugd. xxvi. 109), published by Petrus Bertrandus. First comes the royal summons, occasioned by complaints from both sides. Then it is recorded, that in the assembly Petrus de Cugneriis—locutus est pro Rege, facto themate suo: *Reddite quas sunt Caesaris Caesari, et quae sunt Dei Deo*. Et prosecutus est juxta illud thema materiam suam includendo ad duo. Primo quod Regi debebatur reverentia et subjectio, secundo quod debebat esse spiritualium et temporalium divisio, ut spiritualia ad Praelatos, et temporalia ad Regem et Barones pertinerent. He said also, among other things, as is plain from the subsequent speech of Petrus Bertrandus (in Goldast. p. 1373), quod talia jura regis Rex non poterat a se abdicare, cum essent juris sui regalis, et jurasset in coronatione sua jura regni non alionare, et alienata revocare, et quod talia erant impraescriptibilia.—Then he declared, quod intentio Regis erat reintegrare temporale, and recited the Gravamina quoted in note 12. On a subsequent day the Archbishop of Sens endeavored to defend the clergy in a speech which is given entire. E. g. Ille ad judicandum videtur aptior et convenientior, qui est Deo proximior:—sed personae ecclesiasticae sunt Deo proximiores, ergo, etc.—Praeterea nullus du-



their intended result.<sup>15</sup> Immediately afterward the clergy sought

bitat, quin cognitio de peccato ad personas ecclesiasticas pertineat: cum ergo talia non perirentur sine peccato alterius partis, patet quod Ecclesia cognoscere potest. Item cujus est judicare de fine, ejus est judicare de ordinatis ad finem:—cum igitur corpus ordinatur ad animam, et temporalia ad spiritualia tanquam ad finem; Ecclesia, quae habet judicare de spiritualibus, potest etiam merito de temporalibus judicare.—Et confirmatur, quia accessorium sequitur naturam principalis, et hoc satis apparet exemplo: cum igitur istae duae jurisdictiones comparentur duobus luminaribus, soli scilicet et lunae, et tota claritas lunae sit a sole, et in sole formaliter et virtualiter, et non claritas solis a luna nec in luna; patet quod jurisdictio spiritualis, quae comparatur soli, habet in se formaliter vel virtualiter jurisdictionem temporalem, quae comparatur claritati lunae. Then follow proofs *ex jure civili*, viz. from the supposed laws of Theodosius, which Charlemagne had confirmed (see Div. 1, § 9, note 12), and *ex jure canonico*. Sed forte ad hoc dicitur: *quare hoc sibi vindicat Ecclesia Gallicana, cum aliae Ecclesiae sibi in aliis regionibus hoc minime vindicare noscantur?* Ad quod potest faciliter responderi. Si enim Reges Franciae, quos Deus singularibus privilegiis, gratiis et honoribus prae caeteris Regibus insignivit,—Ecclesiae plures libertates concesserunt, vel concessis uti libere permisissent, non est mirum: imo tanta fuit ad Ecclesiam eorum devotio, quod Ecclesiae quanto eis propinquiores, tanto pluribus libertatibus gaudent. Nec ex hoc minus habuerunt, sed plus, sicut rei evidentia manifestat, imo hoc redundat in magnam nobilitatem regni et Regis. On the Friday after Petrus Bertrandus spoke, and then answered, one by one, the Gravamina alleged: these he divided into three parts, quia quidam articuli tangebant jura Ecclesiae perpetua;—secunda pars articulorum continebat abusus et errores, si veri essent, et illos nullo modo volebant defendere, imo providere ne talia fierent, et corrigere si quae talia facta erant. Tertia pars continebat aliqua, quae poterant esse justa, et aliqua injusta: quantum ad justa respondit ut de contentis in prima parte, quantum ad injusta, ut de contentis in secunda. The spirit of these answers may be seen by the following one: Ad XXXIV., qui loquitur de clericis maleficientibus, quos Officiales Praelatorum de facili expediunt pro poenis pecuniariis, dicit, quod hoc esset irrationabile, ubi maleficium esset notorium vel manifestum, et tale vel tantum, propter quod perpetua poena ei deberet imponi, si pro poena pecuniaria tale crimen transiret. Sed nullum est inconveniens, si pro causa justa dicti Officiales poenam corporalem in pecuniariam convertant: quia hoc etiam volunt jura tam canonica quam civilia.

<sup>14</sup> The house of Valois came to the throne with Philip in 1328, although Edward III., king of England, was more nearly related to the deceased monarch, Philip the Fair, and had numerous adherents in France. The bishops now made it understood that if Philip persevered in this persecution of the Church, they would lend their influences to the side of his adversary. Comp. Brunet's Letters on this controversy in the *Traité des Droits et Libertés de l'Egl. Gall.* t. i.

<sup>15</sup> After the close of the inquiry, the prelates entreated the King (l. c. p. 1381), ut pro Dei honore in statu, in quo sui boni praedecessores tenuerunt Ecclesiam, ipse eam teneat et defendat, nec ei faciat aliquam novitatem: et placeat ei proclamationes et inhibitiones factas, scilicet quod nullus laicus trahat alium laicum coram iudice ecclesiastico, revocare: quia hoc esset omnia Ecclesiarum jura tollere. Et licet in aliquibus locis pro toleranda eorum malitia in talibus proclamationibus seu inhibitionibus verba, quae sequuntur, apponant, videlicet quod laicus non trahat alium laicum coram Ecclesia *super casibus pertinentibus ad iudices saeculares*;—hoc est propter jura Ecclesiae usurpanda, quia multa pertinent ad forum laicorum, quae nihilominus pertinent ad ecclesiasticum. Et sic jus et consuetudo tollerentur, per quae in electione laici est, quod possit alios laicos in foro Ecclesiae convenire. Item quia tales proclamationes seu inhibitiones factae, licet etiam essent bene generales, dant occasionem omnimode jurisdictionem ecclesiasticam perturbandi, unde *reges Franciae semper prohibuerunt tales proclamationes seu inhibitiones fieri, et factas penitus faciebant revocari et ad nihilum reduci*. In the presence of the King, and in his name, Petrus de Cugneris declared to them, quia intentio domini Regis erat servare jura Ecclesiae et Praelatorum, yet that he sought thereby again to prove, quod

to establish their jurisdiction still more firmly by decrees of councils.<sup>16</sup> On the other hand, a powerful resistance to these proceedings was developed in the Parliament, which was now transforming itself into a standing corporation:<sup>17</sup> this was especially manifest from the time of Charles V. Henceforth ecclesiastical jurisdiction was not only confined to its proper limits,<sup>18</sup> but Parliament

*causarum civilium non poterat ad Ecclesiam cognitio pertinere*: however, in a second audience the King refused to acknowledge these last expressions, *quod non erant factae de suo mandato, nec aliquid sciebat, nec eas ratas habebat*, and contented himself with the promise of the prelates to remedy the prevailing abuses. The last answer given by Petrus de Cugneris was, *quod placebat Regi, si Praelati emendarent ea, quae essent emendanda et corrigenda: et quod Dominus Rex exspectaret usque ad festum nativitatis Domini proximum venturum, infra quem terminum nihil innovaret. Et si infra dictum terminum Praelati non emendassent emendanda,—dominus Rex apponeret tale remedium, quod esset gratum Deo et populo.* In Flacius (Cat. Test. Verit. p. 391) is found the addition cited by Goldast, p. 1383, that the King, after waiting in vain, passed a severe law, *qua—se ac suos in libertatem asserit*; but this is historically untrue. Petrus Bertrandus, with a view to the further establishment of ecclesiastical claims, wrote afterward the scholastic Tract. de Origine et Usu Jurisdictionum, s. de Spirituali et Temporalis Potestate (in Bibl. PP. Lugd. XXVI. 127).

<sup>16</sup> Conc. Bituricense, ann. 1336, c. 12 (Mansi xxv. 1062), first describes the injuries of the ecclesiastical jurisdiction: viz. *Nonnulli temporale dominium obtinentes, vel secularis judicariae potestatis gerentes officium—aliquotiens palam,—aliquotiens seorsum ad partem, proclamaverunt et inhibuerunt,—ne aliquis subjectorum suorum alter alterum ad forum ecclesiasticum—trahere praesumat,—ne ipsi subditi—super recipiendis contractibus ad—notarios curiae ecclesiasticae recurrerent;—litteras excommunicatorias, —quandoque lacerant,—litteras, et quod detestabilius est, portitores ipsos interdum capiunt, verberant, et compellunt comedere litteras et sigilla;—sacerdotes,—et personas ecclesiasticas, atque ipsorum uxores, parentes et amicos—ceperunt, arrestaverunt;—licet moneantur, nolunt restituere, etc.* All such *turbatores jurisdictionis ecclesiasticae* should fall under excommunication and interdict: *quos omnes—nominatim et expresse—per curatos totius provinciae omnibus diebus dominicis in Missa excommunicatos denunciari sub poena excommunicationis praecipimus alta voce.* Cap. 13: The bishop alone, either in person, or, per ejus Officiale vel Commissarium super hoc specialem, could absolve these excommunicated persons, and then only after they had given complete satisfaction. Comp. Conc. apud Castrum Gonterii, ann. 1336, c. 1 and 2. Conc. Noviomense, ann. 1344, c. 1 and 2 (Mansi xxvi. 1), etc. The clergy were forbidden with especial rigor to seek justice before secular courts. Conc. Bituric. ann. 1336, c. 11.

<sup>17</sup> Pasquier, Recherches de la France, liv. ii. chap. 3.

<sup>18</sup> A royal edict of 8th March, 1371, to the *Baillif* of Sens (in the Preuves des Libertez de l'Egl. Gallic. chap. vii. no. 27), after enumerating the encroachments of the ecclesiastical jurisdiction, decrees: *Quocirca nos jura et libertates jurisdictionis nostrae temporalis—servari volentes illaesa, Vobis, prout per dictam nostram Curiam, habita super his deliberatione diligenti, extitit ordinatum, tenore praesentium committimus et mandamus, quatenus praefatis Archiepiscopis et Episcopis, ac eorum—Officialibus, etc.—ex parte nostra, ac sub magnis poenis a nobis applicandis, injungatis,—ne de casibus et actionibus realibus ac aliis superius declaratis—de caetero amplius cognoscere—praesumant, sed facta et agitata in contrarium—revocent penitus et annullent. Quod si facere noluerint, aut plus debito distulerint, ipsos ad hoc per captionem et detentionem eorum temporalitatis, ac omnibus aliis viis et modis licitis, quibus melius videbitur et poteritis, viriliter et debite compellatis:—et insuper ne usurpationes et surprisae supradictae—illaesse remaneant, vos de et super usurpationibus et surprisais antedictis, eorumque circumstantiis et dependentibus universis diligenter et secreta informetis, et quos de his*

claimed a certain degree of superintendence over it,<sup>19</sup> and drew to itself the right of decision upon many points which were at that time generally held to be ecclesiastical.<sup>20</sup>

### § 109.

#### INTERNAL RELATIONS OF THE DIOCESAN HIERARCHY.

The earlier encroachments of the popes upon episcopal rights were still further increased by the fact that they now assumed the exclusive right of appointment to ecclesiastical offices,<sup>1</sup> and exercised the right of exemption from other jurisdiction in the

*per dictam informationem culpabiles reperietis, ipsos ad dies Seneschallarum vel Baillarum suarum nostri futuri proximi Parlamenti adiornetis (summon before), etc.* The Parliament kept a jealous watch over these decisions from this time. Thus, in the year 1385, it condemned the Bishop of Chalons to a fine for transgressing them (*ibid.* no. 29).

<sup>19</sup> When the Bishop of Mans excommunicated a man with whom he had a suit before the King's courts, *pendente lite*, and then denied him church burial, he was compelled, in 1396, *per arrestum* of Parliament, to have the body removed, and to revoke the excommunication; *Preuves des Lib.* chap. vi. no. 2. Likewise also the Archbishop of Rheims, *ibid.* no. 4.—When the ecclesiastical courts, upon the plea, *quod ipsi feminas aliasque quam suas desponsatas carnaliter cognoverant, bore hard upon many persons, ipsos ad solvendum emendas propter hoc compellendo*, Philip of Valois checked them in 1386 by the command, *ipsum episcopum ad desistendum de praemissis per ipsius temporalitatis captionem compellere*; so also Charles V. in 1388 (*Preuves*, chap. xxxv. no. 10 and 11).

<sup>20</sup> Parliament maintained its right to take cognizance, *de omnibus causis ecclesiasticis possessoriis* (*Preuves*, chap. xxvi. no. 1), and even Martin V. yielded his express consent to this (*ibid.* no. 2)—*Preuves*, chap. xxxv. no. 21: the Archbishop of Bourges decreed at a diocesan synod in 1369: *Quoniam ut intelleximus domini saeculares propter crimina a Clericis commissa bona capiunt Clericorum, ut sic indirecte de crimine Clericos puniant, et eosdem Clericos faciunt compellere, ut eis emendam exsolvant ratione seu occasione criminum commissorum, quod est directe contra ecclesiasticam libertatem, cum illi de crimine criminaliter seu civiliter distingui seu puniri nequeant per judicem saecularem: igitur praedicta fieri prohibemus, statuentes quod si quis dominus saecularis, vel alius procedendo de caetero, Clericos ratione criminum ab eis commissorum per captionem bonorum mobilium vel immobilium suorum vexaverint, seu ad emendam compellaverint, eo ipso sententiam excommunicationis incurrat, et quaelibet civitas statim quod hoc siverit habeat cessare penitus a divinis, donec bona capta vel ad manum saecularem posita libere sint dimissa, et amotum impedimentum quodlibet ab eisdem: et nihilominus illos, qui contra praemissa fecerint, ut excommunicatos habeatis evitare.* The Duke of Berri, on the contrary, immediately came forward as the King's lieutenant, and announced on this point, *quod dictus rev. Pater postmodum sufficienter informatus et certioratus, dictas suas constitutiones et statuta dictae jurisdictioni temporali et dictae Bituricensis patriae usibus et consuetudinibus existere contrarias;—in nostri praesentia sponte revocaverit et totaliter adnullaverit, et insuper nobis promiserit dictam adnullationem et revocationem in sua proxima futura Bituricensi Synodo in personis dictorum Curatorum dictae suae dioecesis fieri, facere publicare, etc.* Accordingly, under the conviction, *dictum reverendum praedictas constitutiones—non dolo, fraude seu malitia aequaliter edidisse,—he released him from omnem poenam, emendam et offensam.* The King at once approved this proceeding.

<sup>1</sup> See above, § 103, note 6, ff.

highest degree, particularly during the schism.<sup>2</sup> Thus the weight of the bishops in the Church was small:<sup>3</sup> they compensated themselves for this by secular honors and worldly enjoyment.<sup>4</sup> The oppression which fell upon them from above they knew how to

<sup>2</sup> De Ruina Eccl. c. 81 (written in 1401, but not by Nicol. de Clemangis; see § 103, note 5), in v. d. Hardt, Conc. Const. I. iii. 81: Et hos ergo Canonicos aliquis vocabit, qui, sic ab omni canone, h. e. ab omni regula abalienati sunt, qui, ut licenter et impune omnia, quae ferret animus, flagitia admittere possint, ab omni se castigatione et disciplina suorum Praelatorum maxima ubique redemptione exemerunt? Fraudant itaque se mutuo, fraudant subditos.—Quas omnes fraudes et rapinas cum fecerint, non est, qui eos puniat. Ad Papam enim, quem solum judicem plerique eorum se habere jactant, quis circumvento pauperi accessus est?—Martini V. bulla, A.D. 1418, by which the exemptions granted during the schism were abolished (ibid. iv. 1585): a tempore obitus felicis recordationis Gregorii P. XI., praedecessoris nostri, nonnulli Romani Pontifices, et pro Romanis Pontificibus se gerentes—nonnullas *Ecclesias, monasteria, capitula, conventus, prioratus, beneficia, loca et personas*—de novo a dictorum Ordinariorum jurisdictionibus exemerunt, in grave ipsorum Ordinariorum praepjudicium.

<sup>3</sup> Jo. Gerson, de Modis Uniendo ac Reform. Ecclesiam in Concil. univers., written in 1410 (in v. d. Hardt, Conc. Const. I. v. 90. Gersonii Opp. ii. 174): Quam quidem coactivam potestatem multi summi Pontifices per successiones temporum et contra Deum et justitiam sibi applicarunt, privando inferiores Episcopos potestatibus et auctoritatibus eis a Deo et Ecclesia concessis: qui in primitiva Ecclesia aequalis potestatis cum Papa erant, quando non fuerunt papales beneficiorum reservationes, non casuum episcopalium inhibitiones, non indulgentiarum venditiones, non Cardinalium commendae, et distinctiones beneficiorum, prioratum et monasteriorum. Tandem per tempora successive crescente Clericorum avaritia et Papae simonia, cupiditate et ambitione, potestas et auctoritas Episcoporum et Praelatorum inferiorum quasi videtur exhausta et totaliter diruta; ita ut jam in Ecclesia non videantur esse nisi *simulacra depicta*, et quasi frustra: jam enim Papa Romanus reservavit omnia beneficia ecclesiastica, jam advocavit omnes causas ad Curiam suam, jam voluit Poenitentiarium habere ibidem, jam legitimaciones Clericorum, jam ordinationes sacras quorumcunque sine differentia vult fieri in ejus Curia: et illi, qui in terra propria non possint ordinari, in eadem Curia ordinantur de facili.

<sup>4</sup> De Ruina Ecclesiae, c. 25: multi ex eis, qui pastoralis apice potiuntur, perque annoa tempora potiti sunt, nunquam civitates suas intraverunt, suas Ecclesias viderunt, sua loca vel dioeceses visitaverunt, nunquam pecorum suorum vultus agnoverunt, vocem audierunt, vulnera senserunt, nisi ea forte vulnera, quae ipsi suis uberibus spoliis per alienos mercenarios eis intulerunt. Alienos dixi, quia et ipsimet mercenarii sunt, qui non gregis sui custodiam, salutem, profectum quaerunt, sed solum temporalis mercedis retributionem.—Cap. 26: At enim, dicet forsitan aliquis, jure eis ignoscendum est, si raro suas dioeceses adeant,—quoniam pro consilio a Principibus accersiti magna regni negotia tractant.—Cap. 28: Sed quid eorum tanto tempore a suis sedibus absentiam accusamus? cum per suam, si illic adessent, praesentiam verisimilius obesse, quam prodesse possent. Quidnam enim ore illi prosunt, qui toto elabente anno suam bis aut ter intrant Ecclesiam, qui totos in aucupio et venatu, in ludis et palaestra dies agunt, qui in conviviis accuratissimis, in plausibus et choreis, cum puellis etiam, effeminati insomnes transigunt noctes, qui suo turpi exemplo gregem per devia quaeque abductum in praecipitium trahunt, qui imberbes adhuc adolescentuli, vix tum ferulam egressi, ad pastorale convolant magisterium, et tantundem de illo, quantum de nautico sciunt officio? Difficile itaque satis est statuere, qui eorum magis incommodum suo gregi: hi, qui deserto eo lupisque exposito cum scurris et parasitis in aula versantur, an hi potius, qui coram positus, eum per rapinam vexant, per incuriam negligunt, per errorem ductum praecipitant. Comp. André, Hist. Politique de la Monarchie Pontificale au xiv. siècle, p. 246. The German bishops, from their peculiar circumstances, were constantly

transfer to those below, and thus the lower orders of the clergy groaned beneath intolerable burdens.<sup>5</sup>

### § 110.

#### MORAL CONDITION OF THE CLERGY.

The moral condition of the clergy could not fail to degenerate still more in this period, in consequence of the manner in which ecclesiastical offices were generally bestowed, the example which the Papal court gave,<sup>1</sup> and the method in which the ecclesiastical jurisdiction was administered.<sup>2</sup> In the chapters, where the stalls were for the most part benefices reserved for the nobles,<sup>3</sup> as well

involved in feuds, i. e. in disputes with their freedom-loving capitals; see Schmidt's *Gesch. d. Deutschen*, iv. 600.

<sup>5</sup> Nicolaus Oresmius (or Orem, a theologian of Paris, dean at Rouen), in a sermon preached in 1363, coram Papa Urbano et Cardinalibus (ed. Flacius Cat. Test. Verit. no. cccvi. Brown, Appendix ad Fasc. Rerum Expetend. et Fugendarum, p. 489): *Nem puto, posse in historiis reperiri, quod unquam fuerit aliqua gentium politia bene instituta, in qua esset tanta doctrina, quam nunc sit in politia sacerdotum, ut si quidem essent majores quam Principes saeculi, caeteri dejectiores vulgo.*—In corpore—idem videmus: si nutrimentum fluat ad unum membrum, ita ut enormiter ingrossetur, et alia nimium macerentur, non potest diu vivere: sic in corpore reipublicae ecclesiasticae, si superiores augmentatione substantiae ita graves in statu sunt, quod vix possunt ab inferioribus sustineri, hoc est signum et causa propinqua ruinae, etc.

<sup>1</sup> See above, § 103, note 5.

<sup>2</sup> Comp. Div. 2, § 63, note 21. Fresh abuses were now introduced: De Ruina Eccl. c. 20 (v. d. Hardt, Conc. Const. I. iii. 24): *Corradendis omni ex parte pecuniis nostris Praelati summopere invigilant.*—Si quis apud eos Clericus pro furto, pro homicidio, pro raptu, aut sacrilegio, aut alio quovis enormi crimine in carcerem conjectus sit, tristisque panis et aquae edulio adjectus: tam diu poenae subjacebit, et tanquam reus sua commissa luet, donec pro modo sui census aut suorum quaesitam a se pecuniam persolverit. Ubi vero id egerit, liber et velut innocens abire sinetur. Omnis noxa, omnis error, omnia maleficia, etiamsi capitalia sint, per pecuniam laxantur ac delentur. Comp. the Gravamina, § 108, note 12, no. xxxiv., and the answer of Petrus Bertrandus, *ibid.* note 13.

<sup>3</sup> De Ruina Eccl. c. 29: *Quid de Capitulis et Canonicis longum trahere sermonem necease est, cum uno statim verbo dicere liceat, similes Episcoporum pro suo modo Canonicos esse, indoctos, simoniacos, cupidos, ambitiosos, aemulos, obtrectatores, suae vitae negligentes, alienae curiosos scrutatores ac reprehensores, adhuc autem ebriosos, incontinentissimos, utpote qui passim et inverecunde prolem ex meretrice susceptam et scorta vice conjugum domi tenent; vaniloquos, praeterea garrulos, tempus in fabulis et nugis terentes, quia nihil utile noverunt aut serium, in quo occupentur.* Et propterea in re sua, seu per fas seu nefas agenda, in cura ventris et gulae, in carnis voluptatibus hauriendis suae vitae felicitatem, ut porci Epicurei, constituunt. Cap. 30: *Quam vero pacem inter se habeant, aut quam fraternitatem, declarant sectas et seditiones, omnibus modo in Ecclesiis per infernales furias excitatae, ut jam illa infernalis hydra schismatica—omnia fere collegia suo vipereo semine infecerit.* On the abuses which had crept into the chapters, see Conc. Const. reformatorii Decretales, lib. iii. tit. iii. c. 1 (v. d. Hardt, Conc. Const. I. xii. 695): *In Ecclesiis quibusdam, praesertim cathedralibus, et etiam quibusdam regularibus de Ordine s. Benedicti, pessime servatur et inolevit consuetudo, vel potius corruptela, sic quod in eis non admittuntur nisi de nobilitate aut mi-*

as among the parochial clergy, there prevailed a depth of ignorance and an immorality which awakened indignation.<sup>4</sup> The con-

litarium genere procreati (see Div. 2, § 64, note 2. The cathedral chapter of Basle came to the same decision in 1337 with the consent of its bishop; the records are in Ochs's *Gesch. v. Basel II. i. 49*), qui velut ex militia geniti moribus laicalibus et militaribus imbuti literarum studia non frequentant neque curant, et sic ignari remanent et idiotae: ex quibus tunc communiter per electionem talem qualem ad Ecclesias cathedrales hujusmodi militiae dediti in Praelatos promoventur, interdum vix latinum fari scientes, et actus militares tam in vestibus, quam in bellorum conflictibus, et armorum insultibus, quia exercitati sunt in illis, magis praetendentes, quam quod actibus pontificalibus—se ingerent. Cap. 2: damnabilis usus in quibusdam—Ecclesiis inolevit, quod videlicet, quoad tractatus capitulares secretos et alios, admittuntur interdum Canonici parvi, ex maturitate annorum inhabiles. Cap. 3: In quibusdam Ecclesiis statutum reperitur, ut, licet numerus Canonicorum praebendorum sit satis magnus, ipsorum tamen Capitularium ad satis parvum numerum sit restrictus, in finem, ut creditur, quod dicti pauci Capitulares ex capitularibus proventibus uberius valeant impinguari. How great was the ignorance prevailing among them is shown by the example of the chapter of Zurich, in a document of 1385, in which when they announced to the Bishop of Constance the selection of a people's priest, they were obliged to do it by the *notary*, quia singuli de Capitulo scribere nescimus; see *Beitrage zur Gesch. d. deutschen Sprache u. Nationalliteratur*, London (in Switzerland), 1778, Th. 1, s. 178.

<sup>4</sup> Comp. Ruysbroek, prior of Grunthal († 1381), in Engelhardt's *Richard v. St. Victor u. Joh. Ruysbroek*, s. 326. German sermons of the 13th and 14th century, published by Leyser, *Einleit. s. xxviii. De Ruina Eccl. c. 7: Summi Pontifices, ut aurei rivuli—suae uberius curiam irrigarent, omnibus dioecesanis et patronis praesentandi facultatem conferendique libertatem—ademerunt.—Quantus vero, Deus optime, exspectantium numerus ex illo tempore, et qualium undique affuxit, atque ibi praesto fuit! Non tantum a studiis aut schola, sed ab aratro etiam et servilibus artibus ad parochias regendas caeteraque beneficia passim proficiscebantur, qui paulo plus latinae linguae quam arabicae intelligerent, imo qui et nihil legere, et quod referre pudor, alpha vix nossent a betha discernere. Ac morum in illis compositio hanc forte ignorantiam excusabat? Imo si parum docti, negligentius—morati: utpote qui absque literis in otio educati, nihil nisi impudicitias, ludos, comessationes, jurgia, vaniloquia consecantur. Inde omnibus in locis tot sacerdotes improbi et miseri atque ignari, qui ruinae et scandalo sua turpi conversatione subditis sunt. Cap. 24: De literis vero et doctrina quid loqui attinet? Cum omnes fere Presbyteros, sine aliquo captu aut rerum aut vocabulorum, morose syllabatimque vix legere videamus. Quem ergo fructum, quam exauditionem ex suis orationibus sive sibi, sive et aliis impetrabunt, quibus barbarum est, quod orant? Quomodo per suas preces Dominum alienis propitiabunt, quem sibi ipsi sua ignorantia et suae foeditate vitae per suum ministerium infensum faciunt? Si quis hodie desidiosus est, si quis a labore abhorrens, si quis in otio luxuriari volens, ad sacerdotium convolat. Qui simul ac pervertum est, fornices et cauponulas seduli frequentant, potando, comessando, pransitando, coenitando, tesseriis et pila ludendo, tempora tota consumunt. Crapulati vero et inebriati pugnant, clamant, tumultuantur, nomen Dei et Sanctorum suorum pollutissimis labiis execrantur. Sicque tandem compositi ex meretricum suarum complexibus ad divinum altare veniunt. How sorely the clergy were wanting in proper education, and the people in religious instruction, may be seen in Nic. de Clemangis, *De Studio Theologico in d'Achery Spicileg. i. 473*, where, among other complaints, is the following, p. 478: *Conterunt infiniti ovium rectores totam in studiis (Universities) aetatem.—Nec tam procul dubio discere cupiunt, quam sub titulo et umbra studii multiplicandis ecclesiasticis beneficiis atque promotionibus sine ulla unquam satietate inhiare. As to the frightful moral degradation of the clergy, the writings of Wycliffe, Nicol. de Clemangis, Matthaeus de Cracovia, Jo. Huss, Jo. Gerson, Theod. a Niem, may be consulted, and the sermons preached at the Council of Constance by several preachers, which are pub-**

tinued struggle of the synods against the dissoluteness of priests remained quite fruitless.<sup>5</sup> The laity were only too glad to secure their wives and daughters from the sacerdotal seducers, and accordingly favored, at times even demanded, fixed alliances of their priests with concubines.<sup>6</sup> Thus, in many countries, concubinage was publicly allowed among the priests, who were supposed to be too sacred for a matrimonial connection.<sup>7</sup> The fines with which

lished in v. d. Hardt, *Conc. Const.*, in the *Historia Literaria Reformationis*, P. iii. by the same author, and in *Walchii Monumenta Medii Aevi*, fasc. ii. iii. iv. E. g. *Bernhardi Baptistae* (a Benedictine monk from Gascony) *Invectiva in corruptum Clerum* (v. d. Hardt, *Conc. Const.* I. xviii. 880): *In Praelatis inclusa est malitia et iniquitas, negligentia, ignorantia et vanitas, superbia, avaritia et pompositas: et qui solebant esse ovium pastores, jam effecti sunt lupi, ovium comestores.—Et habeatis pro firmo, quod revelatum est hic cuidam in generali concilio, quod, nisi de caetero tollatur et extirpetur simonia ab Ecclesia Dei, rapacitas et tyrannia, in brevi erit tanta persecutio Clericorum, et tam terribilis, qualis non fuit ab initio.—Quare hoc? Quia jam supradicti viri ecclesiastici continuo palam et publice concipiunt lasciviam, pariunt ignominiam, nutriunt avaritiam, colligunt superbiam, divisiones et guerras ipsi generant, in cautelis et deceptionibus ambulat,—in tantum quod jam totus fere Clerus diabolo est subjectus.—* Jo. Gerson, *De Simonia*, cap. 4 (ibid. i. iv. 10): *Sicut et alia vitia regnare videmus passim apud homines, et multo plus apud Clericos.—Recessit enim a Clero omnis lex, omnis veritas, omnis verecundia, ita ut haec, audeant, quae etiam latrones et similes horrent, and so on.*

<sup>5</sup> *Comp. the Einführung der erzwungenen Ehelosigkeit bei den christl. Geistlichen u. ihre Folgen*, von Dr. J. A. Theiner u. A. Theiner (Altenburg, 1828, 2 Bde. 8.), II. ii. 591. Here belongs also the *Sermo Mag. Gerardi Magni* († 1384), de *Focariis*, first published by Th. A. Clarisse in *Archief voor kerkelijke Geschiedenis, inzonderheid van Nederland*, verzameld door Kist en Roijards, i. 364; ii. 300; viii. 1. Moreover, the *Satires of Juan Ruitz*, archpriest of Hita in Spain, in the middle of the 14th century; see *M'Crie's Reformation in Spain* (German translation by Plieninger), s. 63.

<sup>6</sup> *Conc. Palentinum*, ann. 1322, c. 7 (Mansi xxv. 703): *Quia nonnulli laicorum Clericos compellunt, in sacris praecipue Ordinibus constitutos, ut aliquas mulieres concubinas recipiant, et cum eis in contubernio publice vivant contra decorem ordinis clericalis:—nos—excommunicationis sententiae ipso facto decernimus subjacere quemlibet,—necnon universitatem seu communitatem quamlibet sententiae interdicti, quae personam quamvis ecclesiasticam duxerit compellendam ad recipiendam in concubinam mulierem quamcunque. Nicol. de Clemangis, De Praesulibus Simoniacis, in *Opp. ed. J. M. Lydius*. *Lugd. Bat.* 1613, 4. p. 165: *Taceo de fornicationibus et adulteriis, a quibus qui alicui sunt, probro caeteris ac ludibrio esse solent, spadonesque aut sodomitae appellantur. Denique laici usque adeo persuasum habent, nullos caelibes esse, ut in plerisque parochiis non aliter velint Presbyterum tolerare, nisi concubinam habeat, quo vel sic suis sit consultum uxoribus, quae ne sic quidem usquequaque sunt extra periculum. Thus Aeneae Sylvii (about 1440) *Europa s. Cosmographiae*, lib. ii. c. 35 (in *Freheri Scriptt. Germ. T. ii.*), of the Frieslanders: *Phrisones sacerdotes, ne aliena cubilia polluant, sine conjugē non facile admittunt. Vix enim continere hominem posse, et super naturam arbitrantur.***

<sup>7</sup> *Alvarus Pelagius, De Planctu Ecclesiae*, lib. ii. c. 27: *Utinam nunquam continentiam promisissent, maxime Hispani et Regnicolae, in quibus provinciis in paucis majori numero sunt filii laicorum, quam Clericorum.—Saepe cum parochianis mulieribus, quas ad confessionem admittunt, aelestissime fornicantur.—Multi Presbyteri et alii constituti in sacris, maxime in Hispania, in Austria (*Asturia?*) et Galicia et alibi; et publice, et aliquoties per publicum instrumentum promittunt et jurant quibusdam, maxime no-*

these excesses were visited by many synods<sup>8</sup> were quickly changed into a fixed tax, welcome to the avarice of the bishops.<sup>9</sup> Never-

billibus mulieribus, nunquam eas dimittere; et dant eis arras de bonis Ecclesiae, et possessiones Ecclesiae: publice eas ducunt cum consanguineis et amicis et solenni convivio, ac si essent uxores legitimae.—Theodor. a Niem, *Nemoris Unionis Tract.* vi. c. 35: In eisdem etiam partibus Hiberniae et Norwegiae juxta consuetudines patriae licet Episcopis et Presbyteris tenere publice concubinas, et eisdem visitantibus bis in anno subditos sibi Presbyteros, ac Ecclesiasticorum Parochialiumque Rectores, suam dilectam ducere secum ad domos et hospitia eorundem subditorum Presbyterorum.—Et si forte aliquis ipsorum visitatorum casu vel fortuna non habeat focariam, ut praevaricator paternarum traditionum, Episcopo visitanti proinde procuraciones duplices ministrabit. Ac etiam presbyterorum amasiae seu uxores in eisdem partibus, statu et gradu, in Ecclesiis ac in mensis, eundo, sedendo et stando caeteris dominabus, etiam militaribus, praeponuntur. Et paene idem modus, scilicet quoad luxuriam, circa presbyteros Gasconiae, Hispaniae ac Portugaliae, necnon contiguarum regionum versus Africam in omnibus observatur. Unde quodammodo plures naturales ex foedo complexu nati, quam filii legitimi in omnibus illis partibus in ecclesiasticis titulis concedendis praeferuntur, et plures legitimis apertissime promoventur. The synods accordingly confined themselves almost entirely to decrees against the *concupinari publici*; comp. Theiner in the work quoted above. The Clerici conjugati, who are frequently mentioned in this period (e. g. § 108, note 12, 16), are Clerici minorum ordinum, who, if they were married, could hold no benefice (see Div. 2, § 65, note 8), but still, on condition of wearing ecclesiastical clothing and the tonsure, continually enjoyed the privilegia clericalia; see Thomassini *Vetus et Nova Ecclesiae Discipl.* P. i. lib. ii. c. 66.

<sup>8</sup> Div. 2, § 65, note 6. Conc. Poseniense (in Presburg), ann. 1309, c. 5: The concupinari publici were to pay, quartam partem reddituum beneficiorum suorum, as a fine: confidimus enim, quod spirituali poena, excommunicationis videlicet, quae quamvis sine comparatione periculosior, minus tamen peccatis exigentibus formidatur, in temporalem mutata vindictam, subditorum mutabuntur et mores. Fines of this nature were especially exacted by the Italian councils. Thus by the Conc. Pergam. ann. 1311, rubr. 6, 10 librae Papienses were required from a prelate, 5 from other ecclesiastics. Ravenn. ann. 1317, rubr. 4. Benevent. ann. 1331, c. 55. Constit. Eccl. Ferrar. ann. 1382, c. 81 (24 librae), etc.

<sup>9</sup> Conc. Moguntin. ann. 1310 (*Mansi xxv. 313*): Cohabitationis vitium—quorundam negligentia Praelatorum, immo quod detestabilis est, aliquorum malitia, qui quaestum aestimant pietatem, sentitur iterum pullulare.—Si qui—ob quaestum turpem hujusmodi ad se delatum in subditis suis favere vel dissimulare praesumpserint (the archdeacons and deans are meant), illi per suos Praelatos ab honoribus dejiciantur. But the taxes afterward established rose from the fines, as had happened before in the case of many penalties inflicted by the synods (Div. 2, § 85, note 8). Thus the Lower House in England petitioned the King in 1372 (*Rotuli Parliamentorum tempore Edwardi III. p. 313*): de remedie de ce que les Prelatz et Ordinares de seint Eglise pristrent sommes pecuniers de gentz de seint Eglise, et autres, pur redemption de lour pecche de jour en jour, et an en an, de se que ils tiendrent overtement leurs concubines. De Ruina Eccl. c. 22 (in v. d. Hardt, *Conc. Const. I. iii. 23*): Jam illud, obsecro, quale est, quod plerisque in dioecibus rectores parochiarum ex certo et conducto cum suis Praelatis pretio passim et publice concubinas tenent?—Theobaldi Publ. Conquestio in Conc. Const. (l. c. i. xix. 909): Ipsi (sacerdotes)—non solum tabernas, sed etiam lupanaria intrare, puellas maritatas atque moniales corrumpere, concubinas in domibus publice tenere, et cum eis procreare, atque alias superinducere, statimque post celebrare non adhorrent. Episcopi autem quoniam eodem vitio laborant, talia corripere non praesumunt. *Imo aliquid annuatim ab eis recipiunt*, et omnes in tali miseria stare permittunt. Under these circumstances, want of chastity in priests passed for a small offense. Accordingly Gerson *De Visitatione Praelatorum* (Opp. ed du Pin. ii. 564): denunciatur recipientibus sacros



theless, every attempt of the secular power to check these scandals was resisted by the Church as an invasion of her rights.<sup>10</sup>

### THIRD CHAPTER.

#### HISTORY OF MONASTICISM.

##### § 111.

##### STATE OF THE EARLIER ENDOWED ORDERS.

The same causes which produced the deep defection of the secular clergy furthered also an universal licentiousness among the endowed orders,<sup>1</sup> where the fondness for good living and independ-

*Ordines, quod faciunt votum castitatis solemne, ne putent se liberos ad fornicandum, sicut fatui quidam putant.*

<sup>10</sup> The Emperor Charles IV., notwithstanding his deep reverence for the clergy, found himself driven to such attempts. But comp. Innocentii P. IV. ep. ad Carolum (in Raynald. ann. 1359, no. 11): *Habet fide digna insinuatio facta nobis, quod tua Serenitas, attendens quosdam Clericos et ecclesiasticas personas—effrenata quadam vivendi licentia contra ecclesiasticæ religionis decentiam, et clericalis habitus honestatem sæcularibus sese actibus immiscentes, ad coercendos illorum errores et transgressiones temerarias refrenandas imperialis sollicitudinis operam adhibere fervore devotionis intendit, jamque super his nonnullis Praelatis—certas literas destinavit, comminationes sequestrationis ecclesiasticorum proventuum faciendæ per sæculares Principes continentes, ne Clerici ipsi, qui tanquam Dei ministri esse debent caeteris modestiæ et gravitatis exemplar, in suam et aliorum perniciem incorrecti ulterius per vitiorum lubricum gradiantur. Siquidem, carissime fili, zelum tuum, quem habes ad domum Domini multipliciter, commendamus, etc.—verum cum tu defensor egregius et zelator præcipuus ecclesiasticæ libertatis existas, decet excellentiam tuam accurata diligentia providere, ne per id, quod ortum ex puritate devotionis accepit, debitos transeundo terminos, nostro et apostolicæ sedis honori, ac præfatæ libertati ecclesiasticæ—possit in aliquo derogari. Ideoque magnitudinem tuam rogamus et hortamur attente, quatenus ab hujusmodi comminationibus sequestrationis ecclesiasticorum proventuum faciendæ, quod absit, per sæculares Principes, de caetero abstinens, et si quid per comminationes ipsas attentatum forsitan extiterit, quod non credimus, cum id proculdubio foret illicitum,—in statum pristinum reformare procurans, Praelatos—debita caritate sollicites et inducas, ut contra eosdem transgressores sui officii debitum exequantur, etc.* The free towns could venture further on this ground. Comp. Conr. Justinger's († 1426) *Berner Chronik*, published by Stierlin and Wyss, Bern, 1819, s. 254. *Da man zalt von Gottes Geburt, 1405 Jare, warent viel Pfaffendirmen im Lande. Nu hätten die von Bern gern gesechen, dass sie die Dirnen von ihnen gelassen hätten. Da meintent die Pfaffen, die Leigen hattent sie nit ze strafen, noch ze wisen. Da gebuttent aber die von Bern allen Pfaffendirmen, dass sie von ihnen kehrtent, bi einer Pene. Also giengent sie von ihnen etwas Zites. Zehand kehrten sie wiederumb. Die hiess man alle fachen, und wurdent in die Kefen geleit.*

<sup>1</sup> For instance, discipline was hindered by the grants *in commendam*; Gerson, *De Modis Uniendi ac Reform. Ecclesiam in Conc.* (Opp. ed. du Pin, ii. 174): *Jam monasteria Ordinum quorumcumque—dantur in commendas dictis Cardinalibus, qui vix habent in quolibet decimam partem monachorum ibidem olim existentium, aut paucos aut nul-*

ence was already of old standing. Thus, we now find in them few traces of learned pursuits;<sup>2</sup> but, on the contrary, a great increase of debauchery,<sup>3</sup> which overpassed all bounds, especially during the schism,<sup>4</sup> and to which the nunneries abandoned themselves in the most scandalous manner.<sup>5</sup>

los omnino. Unde videbis, aliquos nepotes aut consanguineos laicos Cardinalium in ipsa Romana Curia otiose vacare, et nisi luxuria et deliciis inhaerere:—et pauperes religiosi, de quorum fructibus talis pompa fit,—grandi semper rerum penuria laborant.

<sup>2</sup> These orders did not contribute one man of distinction to the sciences of the time, scholastic theology and philosophy. How it fared with the monastic libraries may be gathered from the fate of one of the most famous, that of Monte Cassino. See Benvenuti Imolensis Comm. in Dantis Paradisum, cant. xxii. v. 74 (written in 1386, in Muratori Antiquitt. Ital. Medii Aevi, i. 1296): Venerabilis praeceptor meus Boccacius de Certaldo (the famous romancer, † 1375) dicebat, quod dum esset in Apulia,—accessit ad nobile monasterium Montis Casini.—Et avidus videndi librariam, quam audiverat ibi esse nobilissimam, petivit ab uno monacho humiliter,—quod deberet ex gratia sibi aperire bibliothecam. At ille rigide respondit, ostendens sibi altam scalam: *ascende, quia aperta est.* Ille, laetus ascendens, invenit locum tanti thesauri sine ostio vel clavi: ingressusque vidit herbam natam per fenestras, et libros omnes cum bancis coopertos pulvere alto. Et mirabundus coepit aperire et volvere nunc istum librum, nunc illum, invenitque ibi multa et varia volumina antiquorum et peregrinorum librorum. Ex quorum aliquibus erant detracti aliqui quinterni, ex aliis recisi margines chartarum, et sic multipliciter deformati. Tandem miseratus, labores et studia tot inclytorum ingeniorum devenisse ad manus perditissimorum hominum, dolens et illacrymans recessit. Et occurrens in claustrum petivit a monacho obvio, quare libri illi pretiosissimi essent ita turpiter detruncati. Qui respondit, quod aliqui monachi volentes lucrari duos vel quinque solidos, radebant unum quaternum, et faciebant psalteriolos, quos vendebant pueris, et ita de marginibus faciebant brevia (magic charms against sickness and such like), quae vendebant mulieribus. Nunc ergo, o vir studiose, frange tibi caput pro faciendo libros.

<sup>3</sup> Clement V., at the Council of Vienne, prescribed several reforms to the *nigri monachi* (Clementin. lib. iii. tit. 10, c. 1), and forbade, especially, many sorts of objectionable dress and hunting. Benedict XII. commanded a still more extensive reform of the Cistercians by the bull *Fulgens sicut stella* in 1335, for the Benedictines by the bull *Summi magistri* in 1336, and for the other orders by *Dudum pro homo* in 1340. (These bulls are in the Bullaria.) But Clement VI. (Tertia vita in Baluz, i. 285) constitutionis per—Benedictum P. XII.—editae super reformatione monachorum nigrorum rigorem attendens, illam oleo suae clementiae misericordiae adspersens modificavit in multis, et eam discretionis lima reformans, ad jugi dominici suavitatem et levitatem omnes cum aequitate reduxit.

<sup>4</sup> De Ruina Eccl. c. 32 (in v. d. Hardt, Conc. Const. I. iii. 83): De monachis autem et monasteriis late patet ad loquendum materia.—Quid autem commendabile de ipsis dicere possumus, qui—quanto magis inter caeteros Ecclesiae filios ex votis suae religionis perfecti esse debebant:—tanto ab his omnibus rebus licet eos videre magis alienos, magis videlicet tenaces, magis avaros, magis saeculari rei—immixtos, magis insuper lubricos, indisciplinatos, dissolutos, inquietos, magis per loca publica et inhonesta (si modo freno laxantur) discursantes: ita ut nihil illis aequè odiosum sit, quemadmodum cella et claustrum, lectio et oratio, regula et religio. Quocirca monachi quidem sunt exteriori habitu, sed vita, sed operibus, sed internae conscientiae spurcitia a perfectione, quam habitus ille demonstrat, longissime disjuncti. Fallit autem illos nimium sua opinio. Nam quanto sua professione rejecta terrenis magis adipiscendis inhiant, tanto pauciora habent, tantoque dotes et redditus ipsorum magis semper in nihilum fluunt. Ecce omnium coenobiorum uberrimos olim fructus ita hodie attenuatos cernimus, ut unde centum homines vivere solebant, vix decem nunc aegerrime vivant. Cuno, abbot

## § 112.

## AGENCY OF THE MENDICANT ORDERS.

The mendicant friars, on the other hand, preserved more of that outward decency which was necessary for the maintenance of

of St. Gall, about 1400, kept openly "ein Husfrowen;" so also did the monks (Reimchronik des Appenzellerkrieges, published by J. v. Arx, St. Gall, 1830, s. 4). The monks of the monastery of Abdinghof in Paderborn had divided the property of their house among themselves, led a dissolute life, and in 1409 resisted their bishop, who wished to reform them. (Annal. Paderborn, ii. 353.)

<sup>a</sup> Alvarus Pelagius (de Planctu Eccl. (see § 99, note 18) lib. ii. c. 45) brings, as the 101st charge against the women: *aliquae supponunt se daemioni transfigurato incubae, sicut in quodam coenobio sanctimonialium eam daemonicam vexationem post multas poenitentias et consimilia et praedicationes non usquequaque de eis potui extirpare: tantam enim familiaritatem cum quibusdam ex eis isti daemones contraxerant, quod ad eorum adspectum non terrebantur, sed absque pavore cum eis loquebantur et contractabantur, sicut ex earum judiciali confessione habui.* Compare the representation of nunneries in Rulman Merswin's Buch, Von d. Neun Felsen (H. Suso's Leben u. Schriften v. Diepenbrock, s. 519). De Ruina Eccl. c. 36: *De monialibus autem plura dicere, etiam plura, quae dici possent, suppetebant, verecundia prohibet; ne non de coetu virginum Deo dicatarum, sed magis de lupanaribus, de dolis et procacia meretricum, de stupris et incestuosis operibus pudendum sermonem prolixo trahamus.* Nam quid, obsecro, aliud sunt hoc tempore puellarum monasteria, nisi quaedam, non dico Dei sanctuariorum, sed Veneris execranda prostibula, sed lascivorum et impudicorum juvenum ad libidines explendas receptacula; ut idem hodie sit puellam velare, quod ad publice scortandum exponere. Thus also Jo. Gerson, Declaratio Defectuum Virorum Ecclesiasticorum (Opp. ed. du Pin, ii. 317), demands: *inquire, si quae hodie claustra monialium facta sunt quasi prostibula meretricum.* Comp. Gregory XII.'s letter A.D. 1408 to an abbot of Friesland on the condition of the Benedictine nunneries there (in Theod. de Niem, Nemus Unionis Tract. vi. c. 34): *nuper ad nostrum pervenit auditum, quod in partibus Frisiae XXII. monasteria Ordinis s. Benedicti, Bremensis, Monasteriensis et Trajectensis dioceseos consistunt, in quibus olim—tantummodo moniales dicti ordinis degebant, sed successu temporis contigit, quod in eisdem etiam mares ejusdem professionis in magno numero qualitercunque cum monialibus—degerent, prout degunt ad praesens.—In quibus [monasteriis] paene omnis religio et observantia dicti Ordinis, ac Dei timor abscessit, libido et corruptio carnis inter ipsos mares et moniales, necnon alia multa mala, excessus et vitia, quae pudor est effari, per singula succreverunt.—Fornicantur etiam quam plures hujusmodi monialium cum eisdem suis Praelatis, monachis et conversis, et in iisdem monasteriis plures parturiunt filios et filias.—Filios autem in monachos, et filias taliter conceptas quandoque in moniales dictorum monasteriorum recipi faciunt et procurant: et quod miserandum est, nonnullae ex hujusmodi monialibus maternas pietatis oblitae, ac mala malis accumulando, aliquos foetus eorum mortificant, et infantes in lucem editos trucidant.—Insuper quasi singulae moniales hujusmodi singulis monachis et conversis—ad instar ancillarum seu uxorum—sternunt lectos, lavant etiam eis capita et pannos,—necnon decoquunt ipsis cibaria delicata, ac die noctuque cum ipsis monachis et conversis in comessationibus et ebrietatibus creberrime conversantur, etc.* Theobaldi Sermo in Conc. Const. (in v. d. Hardt, Conc. Const. I. xix. 909: *Loca sanctimonialium—quasi publica loca, plus quam theatra ad omnes vanitates, etiam a magnis, non sine maximo scandalo frequentantur. Et si qui forte alti status propter verecundiam temporalem intrare non audeant, sua munuscula, fercula et literas eis mittunt, easque cum maximo scandalo ad se invitant. Quae autem ex his sequuntur, turpe est dicere, sed multo turpius est facere.*

their multifarious agency than the wealthier orders. The sciences which commanded the greatest respect at that time, scholastic philosophy and theology, were nowhere more zealously cultivated than among the mendicants.<sup>1</sup> Accordingly, they continued to enlarge their sphere of operation, both in the universities<sup>2</sup> and among the common people, at the expense of the secular clergy, who were held by them in contempt. The stout resistance of the University

<sup>1</sup> De Ruina Eccl. c. 33 (v. d. Hardt, Conc. Const. I. iii. 33): Venio nunc ad Mendicantes, qui ex professione arctissimae paupertatis veros se Christi discipulos verosque imitatores esse jactant atque gloriantur:—qui eruditi praeterea in divinis literis, quibus paene soli hodie insudant, pabulum verbi Dei, quo populi reficiantur, assidua praedicatione ministrant, viam eis salutis aeternae, quam nemo alius docet, aperiant,—denique soli ipsi, ut asserunt, caeterorum omnium Ecclesiae ministrorum segniter dormitantium officia peragunt, ministeria exercent, eorum delicta, ignorantias et negligentias supplent. Cap. 34: Sed libet ab eis quaerere: si hunc gradum supremae perfectionis—attigerunt, quid est, quod suis eam verbis ita magnificent, quod insolenter adeo inde se jactant, quod universis propterea inani gloriatione se praeferunt, imo quod alios omnes sui status comparatione ab omni perfectione evacuant? Decebat enim, ut alieno ore, et non proprio suo, illa aetherea et angelica in terris perfectio laudaretur, si modo solidam laudem, non vanam, suspectam et odiosam cupiebant.—Cap. 35: Videtur autem haec parabola (of the Pharisee and publican) contra hos quaestuarios verbi Dei adulatorem congruentissime inducta. Quia sicut Synagoga suos Pharisaeos habuit, adversus quos in Evangelio acerrime Christus semper invehit, ita nimirum hi novi et subintroducti Apostoli Ecclesiae Pharisaei censendi sunt, quibus omnia a Christo de Pharisaeis dicta, et forte alia plurima, nescio an deteriora, conveniunt.—With reference to the words of Christ, Attendite a falsis prophetis, qui veniunt ad vos in vestimentis ovium, intrinsecus autem sunt lupi rapaces, he asks: Annon lupi rapaces sunt, ovicularum vellere amicti, qui vitae austeritatem, castitatem, humilitatem, sanctam simplicitatem exteriori specie simulant, intus vero exquisitissimis deliciis et variarum copia voluptatum ultra omnem mundanorum luxuriam exuberant? Annon lupi rapaces sunt, sub ovili imagine latitantes, qui more sacerdotum Belis in suis penetralibus oblata devorant, mero se ac lautis epulis cum non suis uxoribus, licet saepe cum suis parvulis, avide satiantes, cunctaque libidinibus, quarum torrentur ardore, pollutentes? Annon lupi rapaces sunt, foris ovem mentientes, qui ea, quae facienda dictant, non faciunt, et cum aliis praedicaverint, sua praedicatione reprobri efficiuntur? etc.—Satis eorum perfidiam, quantum ad nostram pertinet breviter, detegere videmur. De qua, si quem juvat ampliora agnoscere, Cyrillum videat, et illic mira de eis inveniet, ad fidelium instructionem longe antequam orientur Spiritu sancto revelante praedicta (Cyril, who is regarded by the Carmelites as their third general, on 21st Oct. 1192, received from an angel upon Mount Carmel two tables of silver, with prophecies in the Greek language, which were afterward translated, and interpreted by the Abbot Joachim and Gilbert the Great, general of the Cistercians, about 1280. Acta SS. Mart. i. 498. Bibliotheca Carmelitana, Aurelianus, 1752, foli. i. 357). Quamquam nec aliqui alii scriptores etiam defuerunt, qui de his subdolis illusoribus multa valde utilia et praeclara post eorum introitum ad Ecclesiae praemonitionem et praemunionem prodiderunt.

<sup>2</sup> Out of the twenty-nine Doctors of Divinity who were assembled by Philip of Valois at Vincennes in 1332 (see § 99, note 41), thirteen were mendicant friars. Oxford as well as the University of Paris had many disputes with them (Ant. a Wood, Hist. et Antiq. Univ. Oxon. p. 150–196). For instance, there was a common complaint that they enticed the students into their order, and parents hesitated for this reason to send their sons to the University; see Richardi Archiep. Armachanidefensorium Curatorum, in Brown App. ad Fasc. Rerum Fugend. et Expetend. p. 478.

of Paris, in particular, to the immoderate privileges of these orders, remained without effect :<sup>3</sup> they often even exceeded these privileges

<sup>3</sup> By the decretal *Dudum*, Clement V. confirmed, in 1311, the decretal *Super cathedram* of Boniface VIII. (see Div. 2, § 69, note 8), which established the privileges of the mendicant friars against bishops and parish priests. In the year 1321 John XXII., by the bull *Vas electionis* (Extravagg. comm. lib. v. tit. iiii. c. 2), condemned the three positions of John de Poliaco, doctor of the Sorbonne: quod confessi Fratribus, habentibus licentiam generalem audiendi confessiones, tenentur eadem peccata, quas confessi fuerant, iterum confiteri proprio sacerdoti: secundo, quod stante *Omnis utriusque sexus* edicto in Concilio generali (see Div. 2, § 83, note 5), Romanus Pontifex non potest facere, quod Parochiani non teneantur omnia peccata sua semel in anno proprio sacerdoti confiteri,—immo nec Deus posset hoc facere, quia—implicat contradictionem: tertio, quod Papa non potest dare potestatem generalem audiendi confessionem, immo nec Deus, quin confessus habenti licentiam teneatur eadem confiteri proprio sacerdoti. Joh. de Poliaco had advanced these assertions in his *Quodlibeta* (MS. in Paris; see d'Argentré, Coll. Judiciorum, i. 302), from which Jo. de Turrecremata (about 1450) quotes in his *Summa de Ecclesia*, lib. ii. c. 59. The fundamental principles from which he started were those which had been universally adopted by the Parisian divines since the time of Philip the Fair, in opposition to the Papal system (comp. Div. 2, § 62, note 27): Status et potestas et jurisdictio LXXII. discipulorum continuatur in sacerdotibus Curatis, sicut status et potestas et jurisdictio Apostolorum in Episcopis.—Sed status discipulorum a Christo institutus est, et ipsi ab eo instituti et missi, potestatem immediate ab ipso accipientes, non ab aliquo Apostolorum.—Ergo et status Curatorum et ipsi sunt immediate a Christo instituti, et ab ipso immediate potestatem habent.—Quare enim potestas collata Petro est continuata in Romano Pontifice; et potestas collata aliis Apostolis non est continuata in aliis Episcopis, et potestas collata discipulis non est continuata in Curatis, non potest dari ratio. Et ideo Curati sunt veri ordinarii, habentes jurisdictionem ordinariam, non jure humano sibi datam, sed a Christo immediate in prima institutione Ecclesiae;—et etiam non sunt vicarii Episcoporum, sed Jesu Christi,—inferiores tamen et minores Episcopis: nec ab ipsis possunt destitui, nisi ex rationabili causa, sicut nec Episcopi a Papa.—Item Episcopi habent inferiorem potestatem a Deo immediate, sub Papa, sed non a Papa.—Ex quo patet, quod nec Papa Praelatis potest potestatem datam a Christo eis auferre, et aliis non Praelatis dare, nec statum Ecclesiae a Christo institutum destruere et mutare. Petrus Paludanus, the Dominican, who was lecturing at the same time in Paris, wrote against John de Poliaco (as to his works extant in MS. see d'Argentré, i. 302). Comp. Petri Paludani Tract. de Causa Immediata Ecclesiasticae Potestatis, Paris, 1506.—The Continuator Chronici Guil. de Nangis, in d'Achery Spicileg. iii. 112, relates a remarkable attempt made against the mendicants: Anno Dom. 1351 insurrexerunt domini Cardinales et Praelati alii multi cum magna multitudine Curatorum contra Religiosos Mendicantes in Curia Romana, volentes et petentes a domino Papa Clemente VI. eorum annullationem, et quod deficerent in eo: Episcopi allegantes fortiter in Consistorio, quod ipsi Mendicantes non erant ab Ecclesia vocati et electi, et quod eis non incumbere deberet fidelibus praedicare, neque confessiones audire, sed neque sepulturas recipere alienas: unde requirebant dicti Praelati cum Curatis, quod ipsi Mendicantes cassarentur, vel quod saltem cessarent a praemissis, aut ad minus quod non solum quarta portio de sepulturis alienis daretur, sed totum emolumentum ipsis Curatis ex integro redderetur, quia nimis erant ditati ipsi Mendicantes de talibus sepulturis. But the Pope forthwith pleaded powerfully for the mendicants: objecit etiam dominus Papa ipsis Praelatis et Curatis, de quo, si ipsi Mendicantes tacerent, de quo ipsi populo praedicarent? quia si de humilitate praedicaveritis, vos, inquit dominus Papa, estis super omnes status mundi magni, superbi et elati et pomposi:—si de paupertate, vos estis magis tenaces et cupidi, unde non vobis sufficiunt omnes praebendae ac beneficia mundi: si—de castitate, de hoc, inquit, nos tacemus, quia Deus scit, qualiter quilibet agit, et qualiter quamplurimi in deliciis nutriunt corpus suum, etc.—Richard, archbishop of Armagh (see concerning him Baluzii not. ad vit. PP. Aven. p. 950), was accused by the mendicants before the Pope for many

assertions injurious to their Order, and defended the same in 1357 before Innocent VI, in a speech which is still extant (Defensorium Curatorum in Goldasti Monarchia, ii. 1392, and Brown, Append. ad Fascic. Rerum Expet. et Fug. p. 466): IV. quod Dominus noster Jesus Christus docuit, non debere hominem spontaneè mendicare; V. quod nullus potest prudenter et sancte spontaneam mendicitatem super se assumere perpetuo observandam; VIII. quod pro confessione parochianorum—eligibilior est parochialis Ecclesia, quam Fratrum oratorium sive ipsorum Ecclesia; IX. quod ad confessionem parochianorum—eligibilior est persona Ordinarii quam Fratris persona. Richard remained some time in Avignon (Prima vita Innocent. VI. in Baluzii Vit. PP. Aven. i. 338), duravit quaestio hujusmodi per aliquod tempus. Sed tamen indecisa remansit propter obitum suum (Richard died at Avignon in 1360), qui supervenit; de quo dicti Fratres potius de *Gaudeamus* quam de *Requiem* cantaverunt. Comp. d'Argentré, Collectio Judiciorum de novis erroribus, i. 378. Against him wrote the Franciscan, and Professor of Theology in Oxford, Rogerus Chonoe or Connovius, De Confessionibus per Regulares audiendis, in Goldast. ii. 1410, and the Carmelite at Cologne, Joannes de Hildesheim, Defensorium VI. Ordinum mendicantium (Trithemij Chron. Hirsaug. ii. 245).—On the 2d Jan. 1409, (more Gallicano, 1408), the Franciscan Joannes de Gorello was compelled by the Sorbonne to revoke the following opinions maintained by him (Bulæi Hist. Univ. Paris. v. 189; d'Argentré, Collectio Judiciorum I. ii. 178): I. quod sacramentum poenitentiae nihil agit in habente gratiam virtute sacramenti;—II. quod debite confessus non possit obligari, ut iterum confiteatur eadem peccata;—III. Curatis non competit, ut tales sunt, praedicare, confessare, extremam unctionem dare, sepulturas dare, decimam recipere. Fundatur in hoc, quod Curati non sint de institutione Christi et Ecclesiae primariae, sed per Dionysium Papam fuerunt ordinati (according to the *liber pontificalis* and the Pseudo-Isidore). Item quia stat Curatos esse, qui non sunt sacerdotes;—IV. Fratibus competit principaliter, vel essentialiter, praedicare et confessiones audire, quam Curatis. Fundatur, quia Fratibus competit ex regula, etc. Instead of these, he had to acknowledge the following propositions: I. DD. Curati sunt in Ecclesia minores Praelati et Hierarchiae ex prima institutione Christi, quibus competit ex statu jus praedicandi, jus confessiones audiendi, jus sacramenta ecclesiastica secundum exigentiam sui status Parochianorum ministrandi, jus sepulturas dandi, jus insuper decimas et alia jura parochialia recipiendi; II. Item, quod jus praedicandi et confessandi competit Praelatis et Curatis principaliter et essentialiter, et Mendicantibus per accidens ex privilegio: quoniam sunt introducti, vel admissi ex concessione et beneplacito dd. Praelatorum; III. Item quod eadem peccata possunt licite et meritorie pluries confiteri in multis casibus, et quod virtute s. Sacramenti poterit eis prodesse quaelibet talis reiterata confessio, etc. In order to avenge themselves, the Minorites obtained from Alexander V. the bull *Regnans in excelsis* of 12th Oct. 1409 (in Bulæus, v. 196), in which the privileges of the mendicants were confirmed afresh, and the following propositions, which were no doubt maintained in Paris, were condemned: I. Confessus Fratri admissio in forma *Dudum* (Clement. III. 7, 2) tenetur eadem peccata—iterum Curato confiteri.—II. Conclusiones Joannis de Poliac damnatae per Joannem XXII. sunt satis verae.—III. Statutum Joannis XXII. editum, *Vas electionis*, est irritum et inane, quia, cum illud fecit, erat haereticus.—IV. Stante statuto, *Omnis utriusque sexus*, nec Deus, nec Papa—potest facere, quin confessus Fratri mendicanti admissio iterum teneatur confiteri suo Curato. V. Confessio Fratibus admissis facta est dubitabilis. Quapropter omnes tenentur dimittere incertum, et sic solum confiteri suis sacerdotibus curam animarum habentibus sub poena peccati mortalis. VI. Quamvis Fratres admissi habeant auctoritatem absolventi et audiendi confessiones, tamen populus subjectus non habet potestatem accedendi ad Mendicantes admissos sine licentia proprii sacerdotis; et Fratres petentes privilegia pro confessionibus audiendis et sepulturis habendis sunt in peccato mortali et excommunicati; et Romani Pontifices, talia privilegia concedentes Mendicantibus, aut eisdem confirmantes, sunt in peccato mortali et excommunicati. VII. Fratres non sunt aut fuerunt Pastores, sed fures, latrones et lupi. VIII. Sacerdos Curatus dans licentiam Mendicantibus audiendi confessiones magis dispensat cum statuto *Omnis utriusque sexus*, quam Papa Fratibus dans licentiam juxta formam Decretalis *Dudum*.

with impunity.<sup>4</sup> The original jealousy between the Dominicans and Franciscans derived, in fact, fresh nourishment from doctrinal controversy;<sup>5</sup> still, scandalous outbreaks were hindered by the fact that these two principal mendicant orders gradually formed for themselves separate circles of operation. The Dominicans,<sup>6</sup> left in almost entire possession of the Inquisition and the cure of

The University of Paris was roused to the greatest indignation by this bull; Gerson preached against it (Opp. ed. du Pin, ii. 431), and composed a *Censura* of it (l. c. p. 442): the Sorbonne declared it, intolerabilis et totius status ecclesiastici turbativa (Bulaeus, v. 201), and so forth. John XXIII. was accordingly compelled to revoke the bull in 1410 (Bulaeus, v. 201); cf. d'Argentré, I. ii. 180.

<sup>4</sup> Thus at the Council of Vienne the following complaints, de excessibus exemptorum, which principally related to the mendicant friars, were brought forward by a bishop (Raynald. Ann. 1312, no. 24): ipsi—publice excommunicatos a suis Ordinariis ad sacramenta et sacramentalia admittunt in suis Ecclesiis et Capellis. In eisdem etiam dispensationes clandestinas et benedictiones, quamquam inter personas excommunicatas aut consanguinitate vel affinitate conjunctas, seu alias personas matrimoniali vinculo confederatas celebrare non verentes.—Et dum a talibus excessibus—ab Ordinariis arguuntur, de sua exemptione confisi reddunt pro verbis humilibus verba tumida et superba, etc. Refractorii Conc. Constantiensis decretales, lib. iii. tit. x. c. 12 (v. d. Hardt, Conc. Const. I. xii. 715): Multorum querela Curatorum ad hoc sacrum Concilium deducta, qualiter Fratres Ordinum mendicantium limites apostolici privilegii—multipliciter excedant: sic quod superiores dictorum Fratrum non eo modo, sicut debent, sed in scriptis, imo interdum nomine non expresso, Ordinariis locorum suos terminarios, ut plurimum idiotas, et interdum minus quam Presbyteri curati scientes, praesentant; praesentati soli absque socio per parochias velut vagi transcurrunt, absolutiones suas, ultra Curatorum efficaciores, tanquam apostolica auctoritate concessas, praedicant saepius; quod in casibus eis non commissis absolvunt, pecuniaria etiam pactione praecedente aut interveniente; decedentibus et testari volentibus secretius ingerunt; sibi et non Curatis legari et apud suos conventus sepeliri: quibus omnibus secretius ingestis et practicatis canonicam ipsius Curatis non exhibent portionem, etc.

<sup>5</sup> Compare Div. 2, § 75, especially upon the immaculate conception of Mary, and the evangelical poverty. The two orders likewise vied with each other in the exaltation of their founders. In imitation of the Franciscans (see Div. 2, § 70, note 2), the Dominicans also began to rank their Dominic with Christ. Cf. Vita S. Catharinae Senensis (of the tertiary order of St. Dominic, † 1380), written by Raimundus Capuanus, general of the Dominicans, P. ii. c. 7 (Acta SS. Aprilis iii. 904): Catherine had seen in a vision, summum et aeternum Patrem, de ore suo (ut videbatur) coaeternum sibi Filium producentem.—Quod dum attenderet, ex alia parte vidit beatissimum Patriarcham Dominicum ex ejusdem Patris produci pectore, luce ac splendoribus circumdatum: audivitque ex eodem ore prolatam vocem, quae verba infrascripta formabat: Ego, dulcissima filia, istos duos filios genui, unum naturaliter generando, alium amabiliter et dulciter adoptando.—Sicut hic filius a me naturaliter et aeternaliter genitus, assumpta natura humana, in omnibus fuit perfectissime obediens mihi usque ad mortem; sic filius adoptivus meus Dominicus, omnia quae operatus est ab infantia sua usque ad terminum vitae suae fuerunt regulata secundum obedientiam praeceptorum meorum, nec unquam semel fuit transgressus quodcunque praeceptum meum.—Et sicut filius naturalis hic, tamquam verbum aeternum oris mei, locutus est palam mundo;—sic filius meus adoptivus Dominicus veritatem verborum meorum praedicavit palam mundo.—Sicut filius meus naturalis misit discipulos suos,—sic isto adoptivus misit Fratres suos, etc.

<sup>6</sup> Compare the tract of the Dominican Petrus Paludanus, in Paris (about 1330), quod fratres Praedicatores possunt habere possessiones et redditus.

souls among the higher ranks, gradually lost the character of a mendicant order. The Franciscans, on the contrary, strove more for influence over the masses, and sought in every way, even by pious frauds,<sup>7</sup> to win among them respect for their Order, and large charitable donations.

### § 113.

#### INTERNAL HISTORY OF THE FRANCISCAN ORDER.

The abolition of the Coelestine-Eremites by Boniface VIII. (Div. 2, § 70, note 16) had no other result than to renew and increase the division of the Franciscans into *Spirituales* and *Fratres de communitate*. For the former, in spite of all the efforts of the popes, could not be induced to unite themselves again with the order;<sup>1</sup> and when John XXII. invoked the aid of the Inquisition<sup>2</sup> against a party of them in Narbonne and Beziers, many chose rather to be thrust from the Church as heretics (1317), than to be persuaded to yield. These persons thus cast out (*fratricelli*), together with a numerous appendage of tertiaries, increased the

<sup>7</sup> Compare, especially, the growth of the Portiuncula Indulgence (Div. 2, § 69, note 9). The Cardinal Bonifacius de Vitaliniis (rather de Amanatis; see Baluzii PP. Aven. i. 1840) records in his Comment. in Clementinas, A.D. 1388, that the Franciscans asserted that as many souls might be released from purgatory every 2d of August as there were persons who went in and out of the Church of Portiuncula; see J. B. Thiers, *Traite des Superstitions, qui regardent les Sacremens* (Paris, 1701, 4 voll. 12), iii. 259.—Hermani Corneri (Dominican at Lübeck) Chron. ad ann. 1359 (in Eccardi Corp. Hist. Medii Aevi, ii. 1101), relates that the Franciscan, Arnaldus de Villa Preodii Vercellensis diocesis, maintained the erroneous notion, quod nullus possit damnari, deferens habitum Ordinis S. Francisci, asseruitque constanter, b. Franciscum omni anno semel descendere de caelo ad purgatorium, et eripere inde animas omnium illorum, qui illo anno defuncti, in habitu Ordinis sui extiterunt sepulti, et ad purgatorium fuerant missi. (This Franciscan was Arnaldus Montaneri de Villa Podii Ceritani dioec. Urgellensis; see EymERICI Directorium Inquisitorum, P. ii. qu. 11 in fine. Even Wadding, Ann. Minorum, ann. 1371, no. 28, considers the annual descent of St. Francis into purgatory not improbable). Hujus autem erroris assertores nedum sed et publici pronunciatores ac praedicatores plures in Ordine praedicto impresentiarum existunt, qui ausu temerario talia figmenta et mendacia non verentur populo intimare. Imo temporibus meis, *me praesente*, in provinciali synodo in urbe Hammeburgensi celebrata anno Dom. 1406—dominus Joannes Episcopus Lubicensis—hunc errorem in publico consistorio ipsis fratribus Minoribus ibidem praesentibus objecit,—tanquam per dictos fratres publice praedicatum in urbe Lubicensi.

<sup>1</sup> A controversy between the two parties was held before Clement V. (Wadding, Ann. 1310, no. 1 ss.). In consequence, Clement published a new interpretation of the rule in the Constitution *Exivi de Paradiso* (Clementin. lib. v. tit. 11, c. 1), in which he made concessions to both parties in order to effect an union.

<sup>2</sup> How they made themselves masters of the monasteries at Narbonne and Beziers, see Wadding, Ann. 1314, no. 8; John XXII.'s proceedings against them, *ibid.* Ann. 1317, no. 11 ss. Baluzii Miscell. i. 195.



motley crowd of heretical Beghards;<sup>3</sup> they mutually interchanged

<sup>3</sup> On the earlier connection of the Spiritualists with the Beghards, see Div. 2, § 71, note 12. John XXII., bull *Sancta Romana* of 30th December, 1317 (in Extravagg. Jo. XXII. tit. vii.): Nonnulli profanae multitudinis viri, qui vulgariter *Fratricelli*, seu *Fratres de paupere vita*, *Bizochi* sive *Beguni*, vel aliis nominibus nuncupantur in partibus Italiae, necnon in insula Siciliensi, comitatu provinciae, Narbonensi et Tolosana civitatibus—habitum novae religionis adsumere, congregationes et conventiculas facere, et superiores sibi ipsis eligere, quos ministros, seu custodes, vel gardianos, aut nominibus aliis appellant, plurimos ad eorum sectam recipere,—publice mendicare, quasi eorum secta foret una de religionibus per sedem apostolicam approbatis, temeritate damnabili praesumpserunt, et praesumunt etiam incessanter. Et ut ipsorum error veritas, et impietas religio reputetur; plurimi eorum regulam seu ordinem fratrum Minorum, quem S. Franciscus instituit, se profiteri et ad literam conservare confingunt, quanquam in obedientia Generalis, vel provincialium ministrorum ipsius Ordinis non morentur, praetendentes se a sanctae memoriae Coelestino P. V.—hujus status—privilegium habuisse. Quod tamen, etsi ostenderent, non valeret; cum bonae memoriae Bonifacius P. VIII.—omnia ab ipso Coelestino—concessa—viribus penitus vacuaverit.—Nonnulli etiam ex ipsis asserentes, se esse de tertio Ordine b. Francisci, Poenitentium vocato, praedictum statum et ritum eorum sub velamine talis nominis satagunt palliare: cum tamen in regula ipsius tertii Ordinis talis vivendi ritus nullatenus sit concessus.—Ipsorum quam plurimi—a veritate catholicae fidei deviantes, ecclesiastica sacramenta despiciunt ac errores alios student multipliciter seminare. Then follows a stern prohibition of this method of life under threat of excommunication.—In the bull *Gloriosam Ecclesiam* of 23d January, 1318 (in the Bullarium Rom. and in Raynald. ann. 1318, no. 45), the bishops were accordingly required to imprison the pseudo-minorites, who had escaped to Sicily, and constituted there a small community, distinguishing themselves by wearing—quosdam habitus cum parvis caputiis curtos, strictos, inusitados et squalidos, and to deliver them over to the Franciscan Order for punishment. In this also there is a brief account of the past controversy, and a statement of the errors of the separatists, viz.: I. Primus error—duas fingit Ecclesias, unam carnalem, divitiis pressam, effluentem deliciis, sceleribus maculatam, cui Romanum Praesulem, aliosque inferiores Praelatos dominari asserunt: aliam spiritualem, frugalitate mundam, virtute decoram, paupertate succinctam, in qua ipsi soli eorumque complices continentur, cui etiam ipsi spiritualis vitae merito, si qua fides est mendacis, principantur.—II. Secundus error—venerabiles Ecclesiae sacerdotes—sic jurisdictionis clamitat auctoritate desertos, ut nec sententias ferre, nec sacramenta conficere, nec subjectum populum instruere valeant;—quia apud ipsos solos, ut ipsi somniant, sicut spiritualis vitae sanctitas, sic auctoritas perseverat.—III.—in nullo eventum asserunt fore jurandum, dogmatizantes, mortalis criminis contagione polui et poena teneri, quos contigerit juramenti religione constringi.—IV.—sacerdotes rite—ordinatos, quibuslibet tamen criminibus pressos, non posse conficere vel conferre ecclesiastica sacramenta.—V.—Evangelium Christi in se solis hoc in tempore—esse completum, quod hactenus, ut ipsi somniant, objectum fuerat, immo prorsus extinctum.—Multa sunt alia, quae isti praesumptiosi homines contra conjugii venerabile sacramentum garrere dicuntur, multaque de cursu temporum et fine saeculi somniant, multaque de Antichristi adventu, quem jamjam instare asserunt, fiebili vanitate divulgant, etc. Compare Culpae Beguinorum in the Liber sententiarum Inquisitionis Tolosanae ab anno 1307-1323, p. 298 ss., at the end of Ph. a Limborch, Hist. Inquisitionis. Among these Beguni the Postilla Fr. Petri Olivi (Div. 2, § 70, note 12), which they had in the language of their country, was held in high esteem. Accordingly the Church of Rome was to them Babylon meretrix magna, John XXII. mysticus Antichristus, praeparator viae majoris Antichristi (p. 304), regula S. Francisci unum et idem cum evangelio Christi (p. 302), viz. vita Christi, quam in hoc mundo servavit et servandam Apostolis suis tradidit (p. 303). S. Franciscus seu Ordo ejus debebat Ecclesiam renovare, meaning, of course, that Order as it was maintained in genuineness among the Spiritualists alone. A Beguin examined in 1321 (p. 296), credited, informatus per scripturam dicti fratris P. Johannis

their superstitions,<sup>4</sup> and were sacrificed together in crowds by the Inquisition.<sup>5</sup>

With the larger portion of the Franciscans (*Fratres de communitate*) the renunciation of all property, even of such as was held in common, had been reduced to a mere pretense by the Papal interpretation of the rule. However, the Order attached so high a value to this pretense that, by occasion of the falling of a Beghard into the hands of the Inquisition at Narbonne (1321), it engaged in a most violent contest with the Dominicans on the question whether Christ and the apostles held property in common.<sup>6</sup> John XXII., weary of the disputes about the rule of poverty, declared himself, notwithstanding all the remonstrances of the Franciscans,<sup>7</sup> on the side of the Dominicans, characterized the Franciscan doctrine as heresy,<sup>8</sup> and denounced forthwith, in the name of the Ro-

(Olivi), quod infra XIV. annos computandos a praesenti tempore Antichristus major complevisset cursum suum, etc.

<sup>4</sup> Alvarus Pelagius, De Planctu Eccl. lib. ii. c. 51, de erroribus Begardorum, says with regard to the tertius error Begardorum de spiritu libertatis (see Div. 2, § 90, note 33): Tempore meo in provincia b. Francisci multi saeculares et *fratres Minores* pro isto carnali spiritu libertatis per inquisitores haereticae pravitatis incarcerati fuerunt—tales valde *spirituales* videbantur in lucis angelum transformati. According to all this, Wadding's attempts (Ann. Minorum ann. 1317, no. 24 ss.) to deny the rise of the Fratricelli from his Order can be easily estimated at their true worth.

<sup>5</sup> These victims were considered martyrs by their party. Thus Mosheim (Institut. Hist. Eccl. p. 583, note z) had a Martyrologium Spiritualium et Fratricellorum, in which 113 martyrs were recorded to have been executed from the year 1318 to Innocent VI.

<sup>6</sup> The account of the contemporary Nicolaus Minorita in Baluz. PP. Aven. i. 598: Anno Dom. MCCCXXI—quidam Beguinus seu Bizotus fuit captus in civitate Narbona pro facto haeresis per Archiepiscopum Narbonensem et fratrem Johannem de Belna, Ordinis fratrum Praedicatorum Inquisitorem haereticae pravitatis. Qui Beguinus inter alia assererat, quod Christus et Apostoli viam perfectionis sequentes nihil habuerunt jure proprietatis et dominii in speciali, nec etiam in communi. Qui Inquisitor volens judicare dictum Beguinum convocavit ad consilium omnes Priores, Gardianos et Lectores Religiosorum et quamplures alios sapientes, inter quos affuit frater Berengarius Taloni Lector in conventu fratrum Minorum de Narbona. Et inter caetera praefatus Inquisitor fecit legi praefatum articulum de paupertate Christi et Apostolorum ejus, pro quo volebat Begardum hujusmodi tanquam haeticum judicare. Praelibatus frater Berengarius Lector super dicto articulo requisitus respondit, quod hoc dicere non erat haeticum, sed dogma sanum, catholicum et fidele, maxime cum hoc esset per Ecclesiam in decretali *Exiit qui seminat* (Nicolai IV., see Div. 2, § 70, note 11) diffinitum. Quo facto, ac si asseruisset haeresim dictus Lector, praefatus Inquisitor eidem praecepit, ut dictum suum statim in praesentia omnium revocaret. Qui Lector revocare noluit quoquo modo, sed—ad sedem apostolicam solemniter appellavit, et cum appellatione sua venit apud Avinionem.

<sup>7</sup> Compare the two Declarations of the general chapter of the Franciscans assembled in Perusium in June and July, 1322, in Wadding ad h. a. no. 51 ss.

<sup>8</sup> As Nicholas IV. in his bull *Exiit* had forbidden, under pain of excommunication, all glosses upon it, so John XXII. allowed it at first with a view to a further inquiry into the circumstances, in the bull *Quia nonnunquam* (Extravagg. Jo. XXII. tit. xiv. c. 2).

man Church, the tenure of Franciscan property (1322).<sup>9</sup> The most zealous Franciscans, and at their head Michael of Cesena, general of the Order, betook themselves at length to Lewis the Bavarian,<sup>10</sup> and persecuted the heretical Pope to the day of his death.<sup>11</sup> The greater portion of the Order, however, submitted and chose a general acceptable to the Pope (1329).<sup>12</sup>

Afterward he decided in the bull *Cum inter nonnullos*, 12th November, 1322 (ibid. c. 4): In posterum pertinaciter adfirmare, quod Redemptori nostro ejusque Apostolis illis, quae ipsos habuisse Scriptura sacra testatur, nequaquam jus ipsis utendi competierit, nec illa vendendi seu donandi jus habuerint, aut ex ipsis alia acquirendi, quae tamen ipsos de praemissis fecisse Scriptura sacra testatur, seu ipsos potuisse facere supponit expresse: cum talis adsertio ipsorum usum et gesta evidenter includat in praemissis non justa, quod utique de usu, gestis seu factis Redemptoris nostri, Dei Filii, sentire nefas est, sacrae Scripturae contrarium, et doctrinae catholicae inimicum: adsertionem ipsam pertinacem de fratrum nostrorum consilio deinceps erroneam fore censendam merito ac haereticam declaramus. As to the manner in which the champions of Papal infallibility explain away the open contradiction of the bulls of Nicholas IV. and John XXII., see Bellarminus de Romano Pontifice, lib. iv. c. 14.

<sup>9</sup> By the bull *Ad conditorem canonum*, 8th December, 1322, (Extravagg. Jo. XXII. tit. xiv. c. 3). Here he exposes the fallacy which lay in the Law of the Roman Church as to property up to this time: Constat, quod post ordinationem praedictam (*Exii*, Nicolai IV.), non fuerint in acquirendis ac conservandis bonis in judiciis et extra minus solliciti, quam ante illam fuerant Fratres ipsi.—Adhuc nec utique profuit dictis Fratribus ordinatio supra dicta, quantum ad hoc, quod propter carentiam talis proprii se pauperiores dicere valeant, quam si res ipsas cum illo, quo carere se dicunt, dominio obtinerent. Licet etiam praedecessor noster praedictus dominium earum rerum, quae ipsis Fratribus offerri seu conferri, aut alias obvenire contigerit,—in se Romanamque Ecclesiam recipiendum duxerit;—attento tamen ipsorum Fratrum utendi modo et ejus effectu,—non ipse usus Fratrum dici debet, sed potius Romanae Ecclesiae dominium esse simplex. Quis enim simplicem usuarium dicere poterit, cui rem usuarium licet permutare, vendere ac donare? Accordingly, nolentes in posterum sub praetextu—talis domini temporalis verbalis, nudi ac aenigmatici tanta bona, quanta dicti Fratres faciunt, infici,—sanctimus, quod in bonis, quae in posterum conferentur,—Fratribus seu Ordini supra dictis (exceptis Ecclesiis, oratoriis, officinis et habitationibus, ac vasis, libris et vestimentis divinis officiiis dedicatis)—nullum jus seu dominium aliquod—Romanae Ecclesiae adquiratur, sed quoad hoc habeantur prorsus ordinationes hujusmodi pro non factis. Et—districtius inhibemus, ne deinceps pro recipiendis, petendis, extorquendis, defendendis seu administrandis bonis—quisquam nominetur—nomine s. Romanae Ecclesiae procurator, etc. Fr. Bonagratia appealed against this bull before the Papal consistory in the name of the Order, 14th January, 1323, but he was thrown into prison (Wadding, Ann. 1323, no. 1).

<sup>10</sup> See above, § 99, note 32.

<sup>11</sup> Compare Michaelis Caesenatis Tract. contra Errores Jo. XXII. (in Goldasti Monarchia, ii. 1236), ejusd. Litterae ad omnes Fratres ordinis Minorum, A.D. 1333 (ibid. p. 1338 ss.), and, ad Regem Rom. et Principes Alemaniae (ib. p. 1344).—Guil. Ockami Compendium Errorum Papae (ibid. p. 957), ejusd. Opus Nonaginta Dierum contra Errores Jo. XXII. (ibid. p. 993). On the other hand, the Dominicans defended the Papal decision, especially Petrus Paludanus at Paris (1330, patriarch of Jerusalem, † 1342), Tract. de Paupertate Christi et Apostolorum contra Michaellem de Caesena (MS. in bibl. Colbert). As to other works, see Raynald. ann. 1323, no. 38 ss. So early as 1324, John XXII. had defended his constitution himself in a new bull, *Quia quorundam* (Extravagg. Jo. XXII. tit. xiv. c. 5), and placed his opponents under ban. Petrus Rogerius (Benedictine monk and Professor of Theology at Paris, afterward Pope Clement VI.), records in his Lecture on this bull (see Baluzii Not. ad Antonii Augustini de emendatione Grati-

The decrees of John XXII. necessarily caused the observance of the rule of St. Francis to be still further relaxed in the greater portion of the Order.<sup>13</sup> So much the less could the Spiritualists who remained true to the Church be reconciled again to the Order. Accordingly, throughout the 14th century, they constantly repeated their endeavor to unite in small retired establishments, in order to observe their beloved rule in its purity, and to indulge the hope of a reformation in the Church such as Petrus Johannes Olivi had foretold them (Div. 2, § 70, note 12). Accordingly, they bore a great resemblance to the Fratricelli (Div. 2, § 70, note 9 and 16), without falling into their heresies. At first their communities were frequently dispersed, but afterward they found protection<sup>14</sup>

ani Dialog. lib. i. dial. 17), that at that time a theologian at Paris, no doubt a Dominican, had advanced so far as to maintain: *adserere Christum et Apostolos nihil habuisse est magis haereticum, quam adserere Deum non esse incarnatum. Viz.: illud est magis haereticum, quod est contra majorem evidentiam fidei.—Sed adserere, quod Christus et Apostoli nihil habuerant in proprio vel communi, est contra majorem evidentiam fidei.—Illi enim, qui erant tempore Christi et Apostolorum, clare videbant, quod Christus et Apostoli habebant aliqua vel in proprio, vel in communi; non tamen ita clare videbant, quod Deus esset incarnatus, quia non videbant clare Christum esse nisi purum hominem. Ergo, etc.*

<sup>13</sup> At a general chapter in Paris, Wadding, Ann. 1329. The Franciscans went back to the old fiction that the property in their possessions remained with the giver (see Div. 2, § 70, note 6); see Alvarus Pelagius, de Planctu Eccl. lib. ii. c. 55: *Fratres Minores possunt habere usum quemlibet separatim a proprietate, cujus proprietate Romanæ Ecclesiae erat olim, et nunc dantur, propter Extravagantem, quam fecit Papa Joannes XXII. contra fratres Minores, quae incipit Ad Conditorem.*

<sup>13</sup> See the confession of the Franciscan, Alvarus Pelagius, ii. c. 66, that his brethren frequently, de pecunia, quae pro eis deponitur, emunt et faciunt superflua.—Item non pro necessitatibus ingruentibus—faciunt pecuniam deponi, sed pro futuris necessitatibus et non necessitatibus.—Item vadunt aliqui per terras et villas,—elemosynas pecuniaras procurando et petendo, et importunitates frequenter ingerendo, famulum retro ducendo, et denariis pixides et loculos implendo.—Item ponunt aliqui cippos et arcas in eorum Ecclesias, ut ibi saeculares ponant pecunias.—Item tangunt pecunias vel cum cera vel cum ligno vel cum palea. Portant etiam quidam eorum pecunias sutas in habitibus et tunicis. Quidam etiam eorum faciunt sibi pecuniam poni in capitulis, etc.

<sup>14</sup> Thus Philip of Majorca was refused by John XXII. (Wadding, Ann. 1328, no. 28), and afterward by Benedict XII. (ibid. Ann. 1340, no. 23), when he requested permission to form a society of strict Franciscans, and the latter (Benedict XII.) declared to Robert, King of Sicily, who pleaded for Philip, quod idem Philippus sectae Beguinorum—promotor, defensor, rector et conservator extitit,—et his nequaquam contentus tam contra Joannem P. XXII.—quam sedem praedictam multa enormia et haeretica—publice asseruit, et etiam praedicavit interdum.—Johannes de Vallibus formed a small society of this kind in 1334, with the consent of the general of the Order at Brugliano (Wadding, Ann. 1334, no. 24); however, when it began to spread, it roused the jealousy of the Order, was accused of heresy (spiritum libertatis inter eos dominari,—eos receptasse aliquos haereticos), and dissolved by the Pope (Wadding, 1355, no. 1 ss). Cola Rienzi (§ 101, note 8) united himself as a Tertiary to one of these societies on Monte Majella in the Apennines, and has left behind him a description of their mode of living (Papencordt's Cola di Rienzo, s. 208). Fra Angelo, one of the chiefs of these Spiritualists,

from certain generals of the Order, and increased to such a considerable number that at length the Council of Constance established them in form as *Fratres regularis observantiae*, in contradistinction to the *Fratres conventuales*.<sup>15</sup>

The more the Franciscans relaxed the severity of the evangelical life restored, it was said, by Francis, so much the more extravagant were they in his praise, as if for the purpose of propitiating the saint; and so much the more profane mockery did they manifest in the comparison of him with Christ.<sup>16</sup> The prophecies of John

believed that he recognized Cola by revelation from Heaven as the instrument of renovation for the world and the Church; accordingly, he sent him to the Emperor Charles IV. in 1350 (Papencordt, s. 211). Beyond this period the congregation of the Clarens which Angelus de Cingulo had formed A.D. 1302, in the March of Ancona, from the remnant of the Coelestines, maintained its existence (Wadding ad. h. a. no. 8); and that of Paulutus also (Paolucci von Foligni), a disciple of Joannes de Vallibus, who settled himself again in the ruined monastery of Brugliano with the permission of the general of the Order (Wadding, Ann. 1368, no. 10), and enlarged his society to such an extent (Wadding, Ann. 1380, no. 29; 1384, no. 4; 1385, no. 4; 1388, no. 1; 1390, no. 1), that he was looked upon as the founder of the regular observance.

<sup>15</sup> Sess. xix. d. 23d September, 1415 (v. d. Hardt, Conc. Const. iv. 515).

<sup>16</sup> Compare Div. 2, § 70, note 2. At this time appeared the notorious *Liber Conformitatum Bartholomaei Albicij* or *Barth. de Pisis*, the Franciscan, written in 1385, presented to the general chapter held at Assisi in 1399, and there approved (the only complete edition is that of Milan, 1510, fol. Extracts by Erasmus Alberus, with a preface by Luther, entitled, *Der Barfüsser Mönche Eulenspiegel u. Alcoran*, 1531, also 1573 and 1614. 12, further enlarged in the translations; l'Alcoran des Cordeliers and *Alcoranus Franciscanorum*, which have been often published). This notorious work is composed of three books, and points out forty *conformatates* of St. Francis with Christ, which are every time briefly announced in the headings, e. g. lib. i. 1. *Jesus prophetis cognitus, Franciscus declaratur* (prophecies de Francisco tam ante ortum, quam in ortu et post ortum declarato et agnito). 2. *Jesus emissus caelitus, Franciscus destinatur*. 3. *Jesus laete progenitus, Francisco vir laetatur* (viz., prophets and angels rejoiced at the birth of Francis as at the birth of Christ). 6. *Jesus abjectus cernitur, Franciscus separatur*. e. g. *Nam Apostoli etsi navem et alia reliquerunt, non tamen vestimentum, quod in dorso habebant: beatus vero Franciscus non solum omnium terrenorum facultati abrenunciavit, sed et pannos et femoralia rejecit, nudum corpore et mente se offerens brachiis Crucifixi, quod de nullo alio Sancto mundum abrenunciante alicubi legitur, et sic in hoc b. Franciscus singularis ab omnibus reperitur*. For this reason the brother *Pacificus*, also, had seen in a vision many seats in heaven, inter quas vidit unam eminentiorem aliis et prae omnibus gloriosius fulgentem, et ornatam omni lapide pretioso, et admirans ejus pulchritudinem coepit cogitare, cujus esset, et statim vocem audivit dicentem sibi: haec sedes fuit Luciferi, et loco ejus sedebit humilis Franciscus.—Lib. ii. conf. 18. *Jesus signis mirificis, Franciscus divulgatur*. The following prophecy was also fulfilled in Francis: omnia subjecisti sub pedibus ejus et constituisti eum super omnia opera manuum tuarum, as also, quod cantatur in Evangelio sui festi: omnia mihi tradita sunt a patre meo. Lib. iii. conf. 37: *Jesus transcendens angelos, Franciscus sublimatur*, with the conclusion: sic. b. *Franciscus super angelos, archangelos, thronos, dominationes, virtutes, potestates, principatus et cherubim est elevatus, et in ordine seraphico in sede Luciferi locatus et sublimatus, quo concluditur, quod omnes inferiores ordines, tam quoad angelicos spiritus quam humanos, b. Franciscus sublimatus in ordine supremo excessit gratia et meritis*. True, the author was placed upon the Index

de Rupescissa testify to the fact that the expectation of an approaching renovation in the Church to be brought about by Francis and his disciples was by no means eradicated in the Order.<sup>17</sup>

### § 114.

#### NEW ORDERS.

Monasticism in this period, also, was increased by many new orders, but in these, instead of a new spirit, there were only new forms, which fell into disuse as fast as the previous ones. On the olive mount, near Siena, John Tolomei founded the Olivetans, a con-

librorum prohibit. of 1564, with the remarkable designation *Bartholomaeus Conformis*; but still the Franciscan, Henr. Sedulius, declares, in his *Apologeticus adv. Alcoranum Franciscanorum pro Libro Conformitatum*, Antwerp, 1607. 4. in the *Prolegomena*: *Pudere nos libri, conformitatum, tam hoc est falsum, quam, quod scribit Lutherus, verum, nos pro hac abominatione necdum poenitentiam agere, hanc non recantare.* Comp. (Baumgarten's) *Nachrichten von einer hallischen Bibliothek*, i. 286.

<sup>17</sup> He was thrown into prison by Clement VI. in 1349, at Avignon, as a false prophet and heretic (Brown *Append. ad Fasciculum Rerum Expetendarum et Fugiend.* p. 494. *Contin. Chronici Guil. de Nangis ad ann. 1356 in d'Achery Spicil.* iii. 114), but afterward was released, and always considered innocent by his Order (*Wadding, Ann.* 1357, no. 15). In the year 1356, he announced in his *Liber inscriptus, Vade mecum in tribulatione* (in Brown, l. c. p. 496), in twenty *intentiones*, the near approach of Antichrist, the renovation of the Church, and so forth. The following passage is characteristic: *Intentio secunda est, universum clerum ac dominos supremos,—et universae Ecclesiae Papas et Cardinales, etc., cum subditis clericis eisdem reducere ad modum vivendi sanctissimum Christi et Apostolorum sanctorum: quoniam impossibile foret Ecclesiae aliter recuperare praefatum saeculum perditum et execratum, quoniam impossibile foret infidelium populorum, Judaeorum, Tartarorum, Saracenorum et Turcarum ad Christi religionem repugnantem carnem et sanguinem reducere, nisi per viros spiritualissimos, legem spiritualissimam Christi non tam verbo quam opere praedicantes: si enim Praelati Ecclesiae incederent ad praedicandam paupertatem Christi cum 200 vel 300 equis, sicut nonnulli ex eis hodie incedunt;—talibus utique praedicatoribus dicerent infideles illud Evangelii: *Vade caeco, medere et cura teipsum.* Quare omnino necesse est ad reparationem mundi, modum vivendi Christi et Apostolorum suorum inchoari a summis et omnibus Praelatis Ecclesiae generaliter.—Et ad hunc modum vivendi reducentur cum flagellis durissimis, videlicet infra annum Dom. 1370.—Intentio septima est intelligere modum denudandi Ecclesiam universam ab omnibus temporalibus rebus. Indignabitur siquidem mundus ante annum Dom. 1365 contra fastum divitiarum, temporalem gloriam mundanae superbiae clericorum, et tyrannici ac laici populi subito et insperate consurgent et auferent ab eis dominia temporalia,—et ipsos relinquent in puris et nudis Evangelicis declaratis, et insuper multis tribulationibus et derisionibus eos afficient, nec ipsis quibuscunque excommunicationibus aut bellicosus insultibus poterint obviare, etc.—Intentio decima est super apparitione duorum admirandorum prophetarum induendorum factis, qui Apoc. c. 10, resistent bestiae ascendenti de mari: quoniam antequam perveniat mundus ad annum Dom. 1365, mittet Deus miraculose duos pauperrimos Cordelarios (*cordeliers*), abjectos fratres Minores, qui ad literam sunt, de quibus dicit Dominus Jesus Christus Apoc. 11: *Dabo duobus testibus meis, et prophetabunt dies MCCLX.*, etc.—unus autem horum duorum erit Papa Romanus, generalis Christi vicarius, et alter, ejus socius, Romanae Ecclesiae Cardinalis.—Hi igitur duo pauperculi sacratissimi Minores abjecti, Cordelarii abjecti, sunt mystice Elias et Enoch, etc.*

gregation of Benedictines<sup>1</sup> (Congregatio S. Mariae Montis Oliveti, confirmed by John XXII. in 1319); John Colombino, likewise at Siena, founded the Order of Jesuates (Jesuati, confirmed by Urban V. in 1367), a mendicant order, consisting only of laymen living according to the rule of St. Augustine.<sup>2</sup> In Spain and Italy there rose several orders of Hieronymites.<sup>3</sup> About 1363, St. Brigitta established in the monastery of Madstena an order called by her own name (Ordo S. Brigittae or S. Salvatoris confirmed by Urban V. in 1370), which united nuns and monks in a peculiar manner in the same houses.<sup>4</sup>

### § 115.

#### MORE INDEPENDENT ECCLESIASTICAL COMMUNITIES.

Although Clement V. would not henceforth hear of the toleration of Beghards and Beguines (see Div. 1, § 71), on the plea of

<sup>1</sup> Raynald. ann. 1320, no. 50.

<sup>2</sup> On the life of John Columbinus and the origin of the Order, see Acta SS. ad. d. 81. Jul. (Jul. t. vii. p. 333.)

<sup>3</sup> For instance, in Spain, there were the Eremitae S. Hieronymi, founded about 1370 by Peter Ferdinand Pecha, Chamberlain to Peter the Cruel, king of Castile; they were confirmed by Gregory XI. in 1373, and governed by the rule of St. Augustine, with the additions which it had received in the monastery S. Mariae de S. Sepulcro at Florence (the documents are in the Neue Beitrage v. alten u. neuen theol. Sachen, 1754, s. 592). Their third general, Lupus Olivetus, with the consent of Martin V., A.D. 1424, formed among them a separate congregation, to which he gave a rule drawn from Jerome's works (see in Lucae Holstenii Codex Regularum Monast. ed. M. Brockie, iii. 43). In the year 1595 this Order was reunited in Spain with the rest of the Hieronymites, but in Italy it continued under the name Congr. Monacorum Eremitarum S. Hieronymi de Observantia s. de Lombardia; see Holstenius-Brockie, iv. 1.—In Italy, Peter Gambacorti, or Petrus de Pisis, after the year 1377, established the Pauperes Eremitae Petri de Pisis, or Eremitae S. Hieronymi. Besides there was also the Congregatio Fesulana, founded by Charles of Montegranelli († 1417); see Helyot, Hist. des Ordres Monastiques, iii. 422, iv. 18.

<sup>4</sup> On the Life of St. Brigitta, see Acta SS. ad d. 23. Jul. Jo. Vastovii Vitis Aquilonia, s. Vitae Sanctorum in Scandinavia, ed. cum notis Erici Benzeli, Upsal. 1708. 4.—Her *Revelationes* have been often published, e. g. Rome and Cologne, 1628. Monachii, 1680, fol.—Her rule, confirmed by Urban VI. in 1379, is in Holstenius-Brockie, iii. 100. According to cap. 10, each cloister was to hold sixty sisters and thirteen priests for their service, juxta numerum XIII. Apostolorum, quorum Paulus tertius decimus non minimum laborem sustinuit, four deacons and eight laybrothers, so that tantus omnium personarum erit numerus, quantus erat XIII. Apostolorum et LXXII. discipulorum. These male persons, a monasterio Sororum omnino sint separati, unam habentes pro se curiam, in qua habitabunt, etc. Cap. 12: Abbatissa eligatur a Conventu, legitime vero electa ab Episcopo confirmetur, quae ob reverentiam beatissimae Virginis, cui hic Ordo dedicatus est, caput et Domina esse debet, quia ipsa Virgo, cujus Abbatissa gerit vicem in terris, ascendente Christo in caelos, Caput et Regina extitit Apostolorum et Discipulorum Christi. Pragmat. Gesch. d. vornehmsten Mönchsorden, ii. 1.

their being thoroughly tainted with heresy,<sup>1</sup> although the most violent persecutions were employed against them, and although the inquisitors were very mistrustful of all ecclesiastical societies which lived according to no definite monastic rule,<sup>2</sup> still, the inclination to freer ecclesiastical unions, a manifest token that monasticism was sunken in public estimation, could not be suppressed, especially in the Netherlands and in Germany. John XXII. took the female communities of orthodox Beguines under his protection<sup>3</sup> again, to shield them from persecution. In Germany and the Netherlands the Society of the Alexiani or Fratres Cellitae, called Lollards by the folk, spread itself abroad. This society had constituted itself at Antwerp not long after the year 1300 for works of charity toward the sick and dead ;<sup>4</sup> Lollard also

<sup>1</sup> Compare the two Constitutions published at the Council of Vienne in 1311, *Clementin.* lib. iii. tit. xi. c. 1, and lib. v. tit. iii. c. 3. In the first: *statum earundem (Beguinarum) perpetuo duximus prohibendum, et a Dei Ecclesia penitus abolendum.* Cf. Mosheim de Beghardis et Beguinabus, p. 244 ss.

<sup>2</sup> Thus devout laymen, who did not unite themselves with the monks, were particularly hated by them ; see Matthias de Janow, *Lib. de Sacerdotum et Monachorum abhorranda Abominazione* (in the year 1392), cap. 84, in *J. Hussii Hist. et Monum.* i. 590: *Habent nescio quam causam latentis odii contra illos, qui sunt manifeste devoti in plebibus, utpote sunt virgines et viduae, et ex utroque sexu in paupertate cupientes Christo Jesu deservire, et ipsos miris modis subtilibus et exquisitis persequuntur, ita quod nihil boni possunt loqui de ipsis, sed conviciando et apud plebes deturpando in publico per sermones et in privato.—Quare autem devotis pauperibus, qui sunt in plebe, male favent—et ipsis detrahant, pessima omnium contra ipsos mentiendo, eosdem haereticos, Picardos, factos nequam, et aliis quam plurimis blasphemis lacerando, diffamando, et sic aliis lacerandum exhibendo: non bene causam aliam invenio, nisi quod hoc cupiunt, quod omnes tales, qui volunt esse devoti, ad ipsos confluerent, ut majorem laudem et quaeestum perinde consequantur, seipsos per hoc commendando ad plebes. Et idcirco manifeste dicere solent: si hic vel illa cupit virgo permanere, quare nostram religionem non intrat? quid vult facere talis in saeculo? quare non fugit ad claustra monialium vel monachorum de medio Babylonis?*

<sup>3</sup> *Extrav. comm. lib. iii. tit. ix. A.D. 1318 (not 1325; see Mosheim, l. c. p. 627):* quia in multis mundi partibus plurimae sunt mulieres, quae similiter vulgo Beghinae vocatae, segregatae, quandoque in parentum, aut suis, interdum vero aliis—domibus insimul habitantes, vitas ducunt honestas, Ecclesias devote frequentant,—nec se vel alium—praemissis opinionibus erroribusque involvunt:—nos Beghinas hujusmodi non culpabiles—sub prohibitione et abolitione (*Clementis V.*) praemissis—volumus non includi, locorum ordinarii nihilominus injungentes, ut eas sub praetextu hujusmodi nullatenus molestari permittant.—Caeterum statum Beghinarum hujusmodi, quas esse permittimus,—nullatenus ex praemissis intendimus approbare. Compare the bull addressed to the Bishop of Strasburg in 1318, in Mosheim, l. c. p. 630. In another to the Italian bishops, A.D. 1326, *ibid.* p. 638, he takes under his especial protection the *mulieres*, Beguinas vulgariter nuncupatas, seu de poenitentia b. Dominici, in Lombardiae et Tusciae partibus.

<sup>4</sup> Lollard is derived from lollen or lullen, meaning to sing low. *Annales Holland. et Ultraject.* in *A. Matthaei Analect. Vet. Aevi*, i. 431: *Die Lollardtjes die brochten de dooden by een, Cf. Matthaei, ii. 345, 643. Jo. Bapt. Gramaye, Antwerpia, lib. ii. c. 6, p. 16. Ejusd. Lovanium in his Antiquitt. Belgic., Lovan. 1708, fol. p. 18. Mosheim,*



soon became synonymous with Beghard, and a name for heretics.<sup>5</sup> Heresies were undoubtedly continually discovered now and then among the Beghards and Beguines.<sup>6</sup> Not unfrequently their mere name incited the inquisitors to unrighteous persecutions, and they needed the Papal protection.<sup>7</sup> On the other hand, in many places

Institt. Hist. Eccl. p. 589, not. y. Ejusd. Comm. de Beghardis, p. 583 ss. [*Lollard*, also by some, from *lolium*, tares among wheat.]

<sup>5</sup> See Jo. Hocsemius (Canon at Liège about 1348), *Gesta Pontiff. Leodiens. lib. 1, c. 31* (in *Chapeavilli Gestorum Pontiff. Leod. Scriptorum*, ii. 350): Eodem anno (1309) quidam hypocritae gyrovagi, qui Lollardi sive Deum laudantes vocabantur, per Hannoniam (Hennegau) et Brabantiam quasdam mulieres nobiles deceperunt.

<sup>6</sup> Detmar's *Chronik.*, published by Grautoff, i. 290: "In deme Jahre Christi 1368, na Twelften do wart vorbannen dat Levent der Bigharde unde der Beghinnen in dadeschen Landen van Kettermesteren, de dar weren to ghesettet van deme Pavese. Se weren so sere gewokert in den Landen unde vormeret, dat in der Stadt to Erphorde weren mer dan veerhundert. Do se dat Levent mosten vorlaten bi des Pavese Banne, de do wolden in der Stadt bliven, de mosten openbare Bote untfan mit sunderliken Tekenen, de se droghen an erem Kleide; unde der weren bi twen hunderden, de dat deden unde bleven an der Stadt. De anderen makeden sik en wech, unde bleven an deme Banne. Vele hemeliker Ketterye van en beschreven sint an den sevenden Boke des gestlichen Rechtes (in the Clementines, see above, note 1), wante se brochten vele Bolkes in Dwelinge." Two of them were burned to death.

<sup>7</sup> There are two bulls of Gregory XI., dated 7th April, 1374, and 2d December, 1377, addressed to the Bishops of Germany and the Netherlands, in *Mosheim de Beghardis*, p. 396 and 401. In the second we find: *Ad audientiam nostram pervenit, quod in vestris civitatibus et dioecibus sint nonnulli pauperes utriusque sexus, qui humiliter et honeste in fidei puritate et honestis vestibus aut habitibus in paupertate et castitate vivunt, et Ecclesias devote frequentant. Et quod, licet hujusmodi pauperes nobis et Romanae Ecclesiae et eorum Praelatis et Curatis reverenter obediant, nullis erroribus se involvendo, —tamen nonnulli—Inquisitores haereticae pravitatis—hujusmodi pauperes occasione vestium indebite et injuste perturbant, ipsorum vestes simplices et honestas decurtari, transformari—faciendo, necnon occasione hujusmodi vestium sacramenta ecclesiastica inhi-bendo, et alia gravamina inferendo.—Quocirca fraternitati vestrae per apostolica scripta mandamus, quatenus quilibet vestrum in dioecesi sua pauperes ipsius occasione—vestium nullatenus molestet, nec ab aliis molestari—permittatis.* Boniface IX. issued a bull, 7th January, 1394, with the same end in view, and addressed to the same bishops (in *Mosheim*, p. 653), which, in its description of these *personae pauperes*, besides those mentioned above, gives also the following traits peculiar to the original Lollards: *pauperes et miserabiles personas, petentes, ad eorum recipiunt hospitium, et alia exercent, propterea possunt, opera caritatis, infirmos scilicet visitando, et, si opus sit, in eorum infirmitatibus eos forsitan requisiti custodiendo et fovendo, ac decedentium corpora fidelium—rogati ad sepulturam ecclesiasticam deferendo. Quamvis circa praemissa Vos et Inquisitores haereticae pravitatis—personis ipsis auxilio in praemissis esse deberetis, verumtamen ipsae personae per vos ac plerosque ex inquisitoribus ipsis, ac etiam per Officiales et Vicarios vestros in spiritualibus generales—circa praemissa pia opera et modum vivendi multipliciter minus debite frequentius tribulantur, et eisdem circa praemissa diversa gravamina inferuntur.* The bishops were accordingly charged, if these persons in their diocese were free from the heresy of the Beghards, to allow them to live according to their own way, *citra tamen formam et ritum religionis aut alium modum vivendi reprobatum.* In these decrees the pauperes personae, who were to be tolerated, were only described, not mentioned by name: true, the people called them Beghards and Lollards, but these names to the popes only betokened heretics, against whom they continually renewed the severest edicts of persecution. Thus Boniface IX., 31st January, 1395 (in *Mosheim*, p.

of Switzerland and the Rhine, where they had united themselves as tertiaries with the mendicant orders, the female Beguines drew upon themselves universal hatred from their lazy beggary, interference in family affairs, and want of chastity.<sup>8</sup>

A new kind of free ecclesiastical fellowships originated with Gerard Groot, an ecclesiastic at Deventer († 1384).<sup>9</sup> When, after preaching to the people with great success, but without any fixed office,<sup>10</sup> he had given up this method of working at the command

409): Cum, sicut pro parte dilectorum filiorum, universorum Inquisitorum haereticæ pravitatis auctoritate apostolica per Alemanniam deputatorum, propositum extitit coram nobis, in partibus illis sint nonnullæ sectæ utriusque sexus hominum, vulgo *Beghardi, seu Lullardi et Zwestriones*, a se ipsis vero pauperes Fratricelli, seu pauperes pueruli nominati, qui—novum religionis seu conformem habitum assumere, congregationes et conventicula facere, in communi habitare, superiores, quos Procuratores vel servos Fratrum, aut Marthas Sororum nuncupant, sub ipsis eligere et publice gregatim mendicare præsumunt, sub quorum etiam habitu et ritu vivendi—semper hæreses et hæretici latitant:—cum autem, sicut etiam accepimus, hujusmodi Beghardi, seu Lullardi, seu Zwestriones exemptionibus et concessionibus a sede præfata jactent se fulcitos;—nos igitur—omnes et singulas exemptiones et concessionem hujusmodi eidem Beghardis, seu Lullardis et Zwestrionibus—per nos vel quoscunque prædecesores nostros—forsan factas—penitus revocamus, ac volumus quod hujusmodi Beghardi seu Lullardi et Zwestriones, quocunque etiam nomine nuncupentur, in et super hæresibus—conveniri, et per Inquisitores—puniri possint et debeant. This bull is, indeed, directed only against the heretical Beghards, without revoking the protection guaranteed to the orthodox *pauperes*. However, in fact, these two classes were hardly distinguishable from each other, and so the heretical Beghards availed themselves of the Papal letters of protection. Thus the treatment of all these communities depended entirely upon the decision of the bishops and inquisitors, and these Papal protective laws guaranteed to the orthodox *pauperes* no more security than they had without them.

<sup>8</sup> Thus in Basle they were 1500 in number, and the female tertiaries of the Franciscans were reputed to be their concubines. Their adversaries were the Dominican and Augustin monks. The struggle lasted from 1401 to 1411: then the Beguines were banished; Ochs, *Gesch. v. Basel*, iii. 24. Müller's *Schweizergesch.* ii. 584. There were similar complaints about them in Strasburg, where they belonged to the Tertiary order of St. Dominic, and were sheltered by the Dominicans, when, at the command of the Council, they had to leave off their peculiar costume and their mendicancy. Röhrich's *Gesch. d. Reform. im Elsass*, i. 44.

<sup>9</sup> Thomas à Kempis has written the life of Gerard and his immediate successors; from 1400-1471 he belonged to his foundations, first in the *Fraterhaus* at Deventer, afterward as a canon of St. Agnes near Zwoll; see Thomæ Opp. ed. H. Sommali, Antv. 1607. 4. p. 765.—Jo. Buschii (after 1419 canon at Windesheim, afterward prior at Sulza near Hildesheim † 1479) *Chronicon Canonicorum regularium Ord. S. Augustini capituli Windesheimensis* (written in 1464) ed. Herib. Rosweydu, Antverp, 1621. 8. G. H. M. Delprat *Verhandeling over de Broederschap van G. Grooten, Utrecht, 1830* (in German with additions by Dr. G. Mohrike, Leipzig, 1840). Th. A. Clarisse *over den Geest en de Denkwijze van G. Grooten*, in *Kist en Roijaards Archief voor kerkelijke Geschiedenis*, i. 855; ii. 245; iii. Bijlagen, p. 1; viii. 8. Ullmann's *Reformatoren vor der Reformation*, ii. 62.

<sup>10</sup> Gerard had studied theology in Paris, and lectured with distinction at Cologne; afterward he chose a life devoted to religious exercises and practical ministerial activity. On the impression which his sermons made, see Thomas à Kempis in *Vita Gerardi Magni*, c. 15: *tantus affectus audiendi verbum Dei in populo fuit, ut turbam convenientem Ecclesia vix caperet. Nam multi sua prandia relinquebant, et negotia necessaria*

of the hierarchy, he then gathered round him at Deventer a circle of young men, who had dedicated themselves to the ecclesiastical office, that he might be of service to them in securing a maintenance and in the acquisition of true spiritual attainments:<sup>11</sup> pious laymen soon after united themselves to this circle.

His disciple, Florentius Radewini († 1400),<sup>12</sup> completed and set in order the work that he had begun, by founding at Windesheim, near Zwoll (1386), a chapter of regular canons,<sup>13</sup> which soon be-

*suspendentes, ad ejus sermonem pia prorsus aviditate tracti concurrebant. Saepe namque duos sermones uno die praedicavit, et quandoque spiritu fervoris concepto tribus horis aut amplius sermonem continuavit. Praedicavit autem in principalioribus civitatibus dioecesis Trajectensis—primum sermonem teuthonicum. Cf. Buschii Chron. Windesem. lib. i. c. 1.*

<sup>11</sup> Buschii Chron. Windesem. lib. i. c. 2: Daventriae cum in diebus suis particulare studium plurimorum suppositorum in pleno esset vigore, ubi juvenes et adolescentes, majores et minores, de diversis mundi partibus accumulate confluentes, in suis fundamentalibus optime imbuebantur: ven. pater Magister Gerardus plures hujusmodi clericos scriptores meliores in unum recollectos, libros ss. Patrum in forma meliori, salvo pretio condigno, per eos exscribi fecit et excipiari. They earned their living by this employment. On the proposal of Florentius, to which Gerard agreed, they began life in a community. Considerantes autem hujusmodi communem vitam viam esse perfectionis, in Ecclesia primitiva sub a. Spiritus gubernatione ab Apostolis sanctis institutam; —bene deliberata et bona sua voluntate, de Magistri Gerardi consilio, auxilio et favore, communi omnium decreto proposuerunt, concordaverunt et firmaverunt, deinceps in tali communi vita sub vera domini Florentii obedientia (quamvis solemniter non promissa) cunctis diebus vitae suae perpetuo remanere, victum et vestitum, caeteraque corporum suorum correquisita de labore manuum suarum in communi, praesertim scripturarum, indefesse procurando. Dei etenim caritate et proximi dilectione divinitus inspirati, affectuosius se mutuo diligere, et plures secum homines, non solum clericos, sed etiam laicos bonae voluntatis, conditionis cujuscunque, ad amorem Dei mundique contemptum verbis et exemplis suis sanctis sedulius attrahere, omnes in communi pariter statuerant. Pater itaque devotus, dominus Florentius praefatus, cum suis Presbyteris et clericis, in vita communi pariter commorantibus, de consilio Magistri Gerardi formam et modum in communi vivendi, loca et tempora laborandi, vigilandi, dormiendi, orandi, legendi et corpora reficiendi, aliorumque salutis aliquando insistendi, statui suo optime convenientia salubriter et compendiose componentes, cunctis per orbem religiosis, virisque et feminis saecularibus apostolicae vitae formam, et evangelicae perfectionis exemplar formale et bene imitabile oculata fide se praebuerunt, ut omnium in se oculos, vitam eorum prae sanctitate collaudantium, redderent attonitos. Hujusmodi igitur occasione omnes ubique congregationes devotae Presbyterorum, clericorum et sororum primitivum suscepisse dignoscuntur exordium, per orbem jam Almanicum plurimum dilatatae.

<sup>12</sup> Thomas à Kempis in Vita Florentii.

<sup>13</sup> Buschii Chron. Windesem. lib. i. c. 6. Gerard, upon his death-bed, had already desired the institution of such a monastery, and recommended it to his followers (Busch. lib. i. c. 5): Aliqui vestrum Ordinem ab Ecclesia approbatum debent assumere, ad quos omnes devoti utriusque sexus in cunctis suis necessitatibus securum habere debent recursum, consilium et auxilium, defensionis praesidium petentes recepturi. And thus his followers acknowledged, immediately after his death, as William Vornken, prior at Windesheim († 1455), reports (Archief voor kerkel. Geschiedenis, viii. 262, Anm.), that the institution, commenced by Gerard, could be lasting only, si constitueretur monasterium alicujus probatae Religionis, et praecipue Canonicorum regularium, sub cujus umbra possent omnes devotae turtures ab insultationibus accipitrum tutissime habere refugium.

came the centre of the well-known Windesheim Congregation, and he afterward granted to the society a *Fraterhaus* in Deventer.<sup>14</sup> Here, under the superintendence of priests, young men who were preparing for the ecclesiastical office (Clerici),<sup>15</sup> and pious laymen, who plied their different trades, lived together as brethren with community of goods, but without taking perpetual vows (Fratres vitae communis),<sup>16</sup> and endeavored to promote Christian piety in themselves and others;<sup>17</sup> they tried to attain this end in a special

To the number of these hawks belonged especially the pseudodoctores et praedicatores, qui omnia, quae ipsi nesciebant, rabido ore carpere et persequi satagebant (the mendicant friars).

<sup>14</sup> It was the gift of a widow, the deed of gift dated 17th November, 1396, is in Van Heussen, Hist. Episcopatus Daventriensis (Hist. Episcopatum Trajectinensium, ii. 41).

<sup>15</sup> The distinguished school at Deventer had indeed no connection with the *Fraterhaus* of that place, either in origin or constitution. But the brethren maintained a friendly intercourse with it by providing spiritual and bodily entertainment for such of the pupils as betook themselves to them. Thus Thomas à Kempis (lib. de Discipulis, dom. Florentii, c. 1), records that when he, studii causa in annis adolescentiae (1393), was come to Deventer, he betook himself to Florentius, who, ad scholas (me) instituit, datis insuper libris, quibus me egere putavit. Demum hospitium cum quadam honesta et devota matrona gratis impetravit, quae mihi et aliis multis clericis (pupils) saepius bene fecit. Then he gives the character of the brethren: nunquam prius tales homines, tam devotos et ferventes in caritate Dei et proximi me vidisse memini, qui inter saeculares viventes, de saeculari vita nihil habebant, nihilque de terrenis negotiis curare videbantur. Nam domi quiete manentes libris scribendis operam sollicitè dabant, sacris lectionibus et devotis meditationibus frequenter insistentes, etc.—Cap. 14 de Arnoldo Schoenhoviae: He also came to Deventer, propter doctrinae studium: Dominus Florentius—concessit ei mansionem in antiqua domo sua, ubi plures clerici numero fere viginti in communi bursa stabant, unam communem mensam et sumptum habentes, et in magna devotione domino famulantes. Eodem tempore adjuvante domino Florentio et consulente domum illam inhabitare coepi, et fere per annum in congregatione illa cum Arnoldo permansi.—Ibi quippe didici scribere, et sacram Scripturam legere, et quae ad mores spectant, devotissime tractatus audire.—Quicquid tunc scribendo lucrari potui, in sumptus communes tradidi, et quod mihi defuit, larga pietas dilecti domini mei Florentii pro me persolvit, et paterne in omnibus subvenit.

<sup>16</sup> They are also called Fratres bonae voluntatis, Fratres collationarii, *Collationbrüder*, *Fraterherren*, in different places, also, Fratres Hieronymiani or Gregoriani, after their patron saints.

<sup>17</sup> Compare the *Conclusa et proposita, non vota*, in nomine Domini a Mag. Gerardo edita (in Gerardi Vita Scripta a Thom. à Kempis, c. 18, and in the Archief voor kerkel. Geschied. viii. 371), which may be considered as the fundamental principles of this society: Ad gloriam et honorem et servitium Dei intendo vitam meam ordinare, et ad salutem animae meae. Nullum bonum temporale, sive corporis, sive honoris, seu fortunae, seu scientiae praepone saluti animae meae.—Primum est nullum amplius beneficium desiderare.—Quanto plura beneficia et plura bona habeo, tanto pluribus ego servo,—et est contra libertatem spiritus, quae est principale bonum in vita spirituali. Rarissime est, quod qui scientiis lucrativis, vel medicinae, vel legibus, vel decretis inhaeret, rectus sit vel aequus in ratione, vel justus vel quietus vel recte vivens. Item tu nullum tempus consumes in geometricis, arithmetiis, rhetoricis, dialecticis, grammaticis, lyricis poetis, judicialibus, astrologis. Haec enim omnia per Senecam reprobantur, et retracto oculo bono viro respicienda sunt, quanto magis spirituali vel Christiano respuenda? Item inutilis temporis consumptio est, et nihil prodest ad vitam. Item in-

manner by fixed hours of devotion (*collations*),<sup>18</sup> to which every one had free access. These Brethren were soon diffused through

ter omnes scientias gentilium moralia minus abhorrenda sunt, quae saepe sunt multum utilia et proficua, tam in propria persona, quam in docendo alios. Unde sapientiores omnem philosophiam ad mores retorquebant, sicut Socrates et Plato. Et si de altis rebus dixerunt, etiam sub levi moralitate ea figurative, secundum b. Augustinum et experientiam suam, tradiderunt, ut et inveniri posset semper mos juxta cognitionem. Unde et Seneca haec secutus in quaestionibus naturalibus totiens admiscet moralia. Quicquid enim meliores nos non facit, vel a malo non retrahit, nocivum est.—Nunquam capies gradum in medicina;—similiter nec gradum in legibus vel canonibus, quia finis graduum est vel lucrum, vel beneficia, vel inanis jactantia.—Item nullam artem studere, nullum librum facere, nullum iter arripere vel laborem, nullam practicam scientiam exercere ad dilatandam famam meam et nomen scientiae meae, etc.—Item omnem disputationem publicam vitare et abhorreere, quae est litigiosa vel ad triumphandum vel ad apparendum, sicut sunt omnes disputationes theologorum et artistarum Parisi: immo nec ad discendum interesse. Patet, quia contra quietem sunt,—et inutiles et semper curiosae, et ut plurimum superstitiosae, animales, diabolicae et terrenaes.—Item nunquam disputabo cum quocunque private, nisi praedinetur certus finis evidentis boni.—Radix studii tui et speculum vitae sint primo evangelium Christi, quia ibi est vita Christi: deinde vitae et collationes Patrum: deinde epistolae Pauli et canonicae et actus Apostolorum: deinde libri devoti, ut meditationes Bernardi, et Anselmi horologium, de consuetudine Bernardi, soliloquia Augustini, et consimiles libri: item legenda et flores Sanctorum, instructiones Patrum ad mores, sicut pastorale Gregorii, de opere monachali b. Augustini, Gregorius super Job, et similia: homiliae evangeliorum ss. Patrum et quatuor Doctorum: intellectus ss. Patrum, et postillae super epistolae Pauli, quia continentur in capitulis Ecclesiae: studium in libris Salomonis parabolarum, et ecclesiasticae, et ecclesiastici, quia continentur in Ecclesia in lectionibus et capitulis: orabo spiritu, orabo et mente: studium et intellectus psalterii, quia continentur in Ecclesia ss. Patrum: psallam spiritu, psallam et mente: librorum Mosaicorum studium, historiarum Josuae, Judicum et Regum, prophetarum, et expositiones Patrum in his. De modo transcurrendi decreta propter scire instituta majorum et Ecclesiae, non ad incorporandum, sed transcurrendi, ne ignorantia juris pietatem veritas in inobedientiam, ut videas grossos Ecclesiae primitivae fructus, ut scias a quibus debes cavere, et a quibus monere cavendum. Omni die, quando potes, debes audire Missam usque ad finem, etc.—Vita Florentii, c. 14: Quod a venerabili magistro Gerardo didicit et accepit, hoc diligenter observavit, cujus sententia fuit, ut nemo ad congregationem suscipi deberet, nisi secundum b. Pauli dictum manibus laborare vellet. Est namque operatio sancta ad omnem spiritualem profectum utilissima, per quam carnis lascivia domatur, et ab evangelii levitate mens dissoluta citius refraenatur.—Igitur ars scribendi libros, quae clericis melius convenit, et quietius exerceri potest, a Fratribus domus ejus est maturius arrepta, et pro communi bono servando usitatius introducta. Ipse vero venerandus pater Florentius, ne vacuum nomen generet rectoris,—dedit scriptoribus exemplum clarum, membranas punicando, quaterniones lineando, et componendo. Quia licet minus bene scribere sciret, in praeparando tamen aliis necessaria, quam plurimum scriptores adjunxit manu sua oleo sancto consecrata. Interdum cum opus esset,—assumpto socio libros jam scriptos perlegit et correxit, etc.

<sup>18</sup> Hence also their name *Fratres collationarii*. With regard to the *collations*, see Dumber, *Analecta*, i. 22. 85. Paquot, *Mém. Littéraires*, iv. 164. Delprat, translated by Mohnike, s. 104. These devotional exercises were in the native language: the Brethren also distributed pious tracts written in the same language. There are extant some exhortations written by one of them, Gerard Zerbolt or Gerard of Zutphen († 1396), on the advantage of reading Holy Scriptures in the mother-tongue, and on the necessity of praying in it; see in *Revii Daventria Illustrata*, p. 41; Delprat-Mohnike, s. 140. Comp. Ullmann's *Reformatoren vor der Reform.* ii. 115.

the Netherlands, and also in Northern Germany. From their resemblance to the Beghards<sup>19</sup> they quickly fell under the suspicion of the inquisitors,<sup>20</sup> and underwent manifold persecutions; but they always found in the monasteries of the Windesheim Congregation, with which they remained in close connection, all the protection which these houses were able to afford.

<sup>19</sup> The Augustine-hermit John Schiphower (1504), in his Chron. Oldenburg, c. 18, Meibom. Ber. Germ. ii. 165, speaks of Gerard Groot as, domus fratrum Lullerdorum primatum gerens.

<sup>20</sup> Even Gerard Groot had to defend the society against the attacks of the mendicant friars, Busch. Chron. Windesh. lib. i. c. 8. Compare the opinion obtained from the faculty of law at Cologne in 1398 of the persons persecuted as Gerardini, Beghardi, etc., in Mosheim de Beghardis, p. 433: *Sequentes quaestiones cum suis solutionibus super casu, qui sequitur, sunt scriptae et formatae pro munimine Beghardorum, etc. Casus: In aliquibus partibus plures personae se simul receperunt ad cohabitandum aliquo modo, sicut Clerici in una domo, in qua libros pro pretio scribunt, alii vero non scientes scribere, scientes tamen opera diversa mechanica, quae similiter exercent pro pretio in alia domo, aut etiam aliud faciunt opus manuale. Et istae personae laborant manibus, et de his, quae laboribus acquirunt, vel de suis propriis, si quae habent, vivunt, et omnia sibi invicem pro majore concordia libere communicant, vel in commune ponunt, comedunt simul, et non mendicant. Habent etiam inter se unam personam probam, quae curam domus habet, cujus monitis acquiescunt vel obediunt, sicut boni scolares magistro. On the question, whether this life in community without monastic vows (extra religionem) was allowed in law, the faculty decided in the affirmative: On the other side there are the *Observationes Inquisitoris Belgici in magistrorum Coloniensium responsum—pro detectione figmentorum sectae Gherardinorum* (l. c. p. 443): diversae sunt congregationes non solum Clericorum, sed maxime foeminarum, quae in diversis domibus singulas Marthas habentibus, simul in communi, sub cura et regimine earundem Martharum degunt, nec aliquid proprii,—sed omnia in communi habentes, partim de laboribus manuum pro majori, aut de eleemosynis ad modum Religiosorum vivunt. Quibus non licet comedere, bibere, sedere, stare, surgere, exire, loqui, vel dormire, aut quodcunque aliud facere sine speciali licentia Marthae vel Submarthae petita et obtenta.—Singulatim culpas suas dicunt,—et poenas a Martha injunctas obedienter recipiunt. Quae omnia—licet de se non sint mala, immo bona et laudabilia; multi tamen contra ipsas clamant, novas congregationes ad modum Religiosorum propria temeritate facere sine licentia speciali sedis apostolicae non licere.—Est una Martha principalis in Trajecto, quae domos sororum ibidem, et alias domos earundem in oppidis circumjacentibus, quolibet anno ad minus semel, vel bis, aut pluries, visitat directe.—Presbyter quidam cum dicta Martha in eadem domo hospitatur, et istarum congregationum legislator est atque gubernator supremus.—Non volunt regulam approbatam assumere, nec permittuntur ab ipsarum memorato gubernatore, dicente, se velle potius stabulum pecudum custodire, quam eas, si omnino vellent aliquam approbatam regulam accipere.*

## FOURTH CHAPTER.

## HISTORY OF THE THEOLOGICAL SCIENCES.

## § 116.

## THIRD PERIOD OF SCHOLASTIC THEOLOGY.

Bossuet's *Gesch. d. Welt u. d. Religion*, fortges. v. T. A. Cramer, vii. 791. Tiedemann's *Geist der speculativen Philosophie*, v. 125. Tennemann's *Gesch. d. Philosophie VIII.* ii. 803, 840. Ritter's *Gesch. d. christl. Philosophie*, iv. 547. [Hauréau, *La Phil. Scholastique*, 2. 8.]

The third period of scholastic theology begins with two distinguished men, who boldly endeavored to originate new methods of investigation, the Dominican Durand of St. Pourçain (*de sancto Porciano*, from 1313 teacher of theology at Paris, afterward *Magister s. Palatii*, from 1326 Bishop of Meaux † 1333, *Doctor resolutissimus*);<sup>1</sup> and the Franciscan William Occam (teacher of theol-

<sup>1</sup> His principal work is his *Opus super Sententias Lombardi* (ed. Paris, 1508. Venet. 1571, fol.). How little he cared for authority, see lib. i. dist. iii. p. ii. qu. 5: *Quod dicitur de intentione Aristotelis, dicendum, quod quicquid ipse intenderit, de quo non est tantum curandum, sicut de veritate, tamen, etc.* He inclined already toward nominalism; see Ritter, iv. 550, 561.—Though at first a zealous Thomist, he afterward differed from Thomas in many doctrines; comp. Durandi de s. Porciano *Temerariæ Opinionæ, quæ in scholis communiter improbantur*, in d'Argentré *Collectio Judiciorum de Novis Erroribus*, i. 330. For instance, in the doctrine of the Sacraments. Thus lib. iv. dist. i. qu. 4: *Utrum in sacramentis novæ legis sit aliqua virtus inhaerens causativa gratiæ, etc.?*—Alia opinio est antiqua et sine calumnia, et magis, ut mihi videtur, consonat dictis Sanctorum, scil. quod in sacramentis non est aliqua virtus causativa gratiæ:—sed sunt causa, sine qua non confertur gratia; quia ex divina pactione vel ordinatione sic fit, quod recipiens Sacramentum recipit gratiam, nisi ponat obicem: recipit gratiam non a Sacramento, sed a Deo. Lib. iv. dist. 4. qu. 1: *Utrum character sit aliquid in anima?*—Character non est aliqua natura absoluta, sed est sola relatio rationis, per quam ex institutione vel pactione divina deputatur aliquis ad sacras actiones. Quod declaratur sic: Sicut nummus sortitur rationem pretii, et merellus (the impression) rationem signi ex humana institutione, sic res naturales sortiuntur rationem Sacramenti, et homo rationem Ministri ex divina institutione, etc.—Cum scriptum sit Eccl. 24: *Qui elucidant me, vitam æternam habebunt*; ad ea quæ sunt fidei, cum sint satis obscura de se, non est conveniens adducere vias obscuras, et quæ plus habent obscuritatis et difficultatis, quam principale propositum. Compare the doctrine of Thomas on the point in question, Div. 2, § 77, note 22.—Lib. iv. dist. 11, qu. 1 on Transubstantiation: *salvo meliori iudicio potest aestimari, quod si in isto sacramento fiat conversio substantiæ panis in corpus Christi, quod ipsa fit per hoc quod corrupta forma panis, materia ejus sit sub forma corporis Christi subito et virtute divina, sicut materia alimenti fit sub forma nutriti virtute naturæ.*—Prædictus autem modus conversionis substantiæ panis in corpus Christi constat, quod est possibilis: alius autem modus, qui communis tenetur, est inintelligibilis: nec unus istorum est magis per Ecclesiam approbatus vel reprobatus, quam alius. Nec omnes difficultates fidei difficultatibus superaddere, quin potius juxta documentum Scripturæ conandum est obscuritates elucidare. Lib. iv. dist. 26, qu. 3: *As*

ogy at Paris, from 1322 Provincial in England, after 1328 in the court of Lewis the Bavarian † 1347, Doctor singularis et invincibilis, Venerabilis inceptor).<sup>2</sup> The latter, especially, created an epoch in the history of scholasticism, because, waging an equally undaunted warfare against the philosophical darkness of the realists, and the Papal encroachments,<sup>3</sup> he once more awakened the nominalistic spirit, which had wholly vanished since the time of Roscellinus.<sup>4</sup>

*matrimonium sit sacramentum?*—Tenendum est absolute, quod matrimonium est sacramentum, cum hoc determinet Ecclesia *Extra de haeret. ad abolendam* (Decr. Greg. v. 7, 9).—Sunt alia duo circa matrimonium, circa quae sine periculo haeresis licitum est contraria opinari: quorum unum est theologicum, videlicet utrum in matrimonio conferatur gratia ex opere operato, sicut in aliis sacramentis novae legis; secundum est logicum, videlicet utrum matrimonium habeat plenam univocationem cum aliis sacramentis. Quantum ad primum aliter opinantur Juristae, et aliter Theologi: Juristae enim, qui noverunt textum decretorum et decretalium,—et aliqui eorum fuerunt de collegio Cardinalium s. Romanae Ecclesiae, tenent quod in sacramento matrimonii non confertur gratia.—Quorum opinio an sit vera an falsa,—non determino quoad praesens: sed solum hoc accipio tanquam verum, quod cum praedicti doctores noverint jura canonica, et eorum scripta et dicta habeantur a Papa et Cardinalibus,—quorum est specialiter scire, quid Ecclesia Romana praedicat et observat, nec scripta eorum, quoad praedictum articulum de matrimonio reprobentur tanquam erronea;—quod sentire, quod per sacramentum matrimonii non conferatur gratia, non est contra determinationem Ecclesiae, nec contra id, quod Romana Ecclesia praedicat et observat.—Huic etiam opinioni consentit Magister sententiarum.—Moderni autem theologi quasi communiter tenent, quod per sacramentum matrimonii confertur gratia. (Comp. Div. 2, § 77, note 22.) To the second question, utrum matrimonium habeat perfectam univocationem cum aliis sacramentis, he replies that, according to the prior et communior definitio sacramenti, quod sacramentum est sacrae rei signum, marriage is certainly a sacrament: est enim signum sacrae rei, id est conjunctionis Christi et Ecclesiae: however, with the distinction, that, in aliis sacramentis res sacra, cujus sunt signum, non solum est significata, sed et contenta; in matrimonio autem res sacra, cujus est signum, est solum significata, non contenta. If, however, a sacrament is defined as, aliquod signum corporale vel sensibile extrinsecus homini appositum ad effectum sanctificationis spiritualis; quantum ad hoc matrimonium non videtur habere perfectam univocationem cum sacramentis novae legis.—His conclusion is—matrimonium non est sacramentum stricte et proprie dictum, sicut alia sacramenta novae legis, but as—sacrae rei signum, only—largo modo sacramentum.

<sup>2</sup> Among his theological works the most important is *Quaestiones super IV. Libros Sententiarum*, published at Lyons 1495, fol. Besides this: *Centilogium theologicum*, *Quodlibeta*, *Tract. de Sacramento Altaris*. There are also several philosophical works by him. Some have been already mentioned above, § 100, note 13 and 19.

<sup>3</sup> Compare the way in which he speaks of his teacher, Duns Scotus, in the Prologus ad lib. i. Sentent. qu. 1. After quoting him in favor of an assertion, he proceeds: Et si dicatur, quod alibi ponat oppositum, parum me movet: quia ego non allego eum tanquam auctorem, nec dico praedictam opinionem, quia ipse eam ponit, sed quod reputo veram: et ideo si alibi dixit oppositum, non curo.

<sup>4</sup> See particularly in Sent. lib. i. dist. 2, qu. 4–8; especially qu. 4. Of the opinion of the realists, quod quolibet universale univocum est quaedam res extrinsecus extra animam realiter in quolibet et singulariter, distincta realiter a singulari, et a quolibet alio universali, ita quod homo universalis est una vera res extra animam existens realiter in quolibet homine, et distinguitur realiter a quolibet homine, he says here: *Ista opinio est simpliciter falsa et absurda. Nulla una res, numero non variata nec multiplicata, est in pluribus suppositis vel singularibus:—sed talis res si poneretur, esset una numero,*



As these new nominalists, or Occamists, considered all natural human cognition to be only a knowledge of the phenomenal, and not of truth itself,<sup>5</sup> they rejected all philosophical demonstrations of the positive doctrines of the Church, grounded the latter upon revelation alone, emphasized the antagonism between revelation and the dictates of reason,<sup>6</sup> and did not even hesitate to derive the evidently novel doctrines of the Church from new revelations.<sup>7</sup>

ergo non esset in pluribus singularibus, nec de essentia illorum.—Qu. 8: Universale non est aliquid, reale habens esse subjectivum, nec in anima nec extra animam. Sed tamen habet esse objectivum in anima, et est quoddam fictum habens esse tale in esse objectivo, quale habet res extra in esse subjectivo. Et hoc per istum modum, quod intellectus videns aliquam rem extra animam, fingit consimilem rem in mente, ita quod, si haberet virtutem productivam, talem rem in esse subjectivo, numero distinctam a priori produceret extra.—Universale est exemplar et indifferenter respiciens omnia singularia extra:—et ita isto modo universale non est per generationem sed per abstractionem, quae non est nisi fictio quaedam. Compare Tiedemann, v. 168. Tennemann VIII. ii. 846. Ritter, iv. 579.

<sup>5</sup> Ritter, iii. 155.

<sup>6</sup> Occam, de Sacram. Altaris, c. 5: Est advertendum, quod quamvis in N. T. reperitur expressum, quod corpus Christi sub specie panis est sumendum:—tamen quod substantia panis non manet, ibi non exprimitur, unde et de hoc antiquitus fuerunt diversae opiniones. He then adduces three opinions on the presence of Christ in the Lord's Supper: the third is, quod remanet ibi substantia panis et vini, et in eodem loco sub eadem specie est corpus Christi (the opinion of Johannes Paris. Div. 2, § 77, note 8). With regard to this he says, *Quodlibet*. l. iv. qu. 35: esset multum rationalis, nisi esset determinatio Ecclesiae in contrarium, quia illa salvat et vitat omnes difficultates, quae sequuntur ex separatione accidentium a subjecto. Nec contrarium habetur in canone Bibliae, nec plus includit aliquam contradictionem, corpus Christi coexistere substantiae panis, quam ejus accidentibus, nec repugnat rationi. Still he holds fast the definition of the Church: substantia panis et vini desinit esse, et manent accidentia tantum, et sub illis incipit esse corpus Christi, and says of it: *hoc constat Ecclesiae per aliquam revelationem, ut suppono, et ideo sic determinavit*. Thus also Petrus d'Alliaco, Card. Cameracensis, declares, in Libr. iv. Sent., multo probabilius esse, et minus superfluum miraculorum poni, si in altari verus panis verumque vinum, non autem sola accidentia esse adstruerentur, nisi Ecclesia determinasset contrarium (Luther, de Captivitate Babyl. t. ii. Jen. fol. 262, b). Comp. Rettberg's Occam and Luther, in the Theol. Studien u. Krit. 1839, i. 69. Thus, Gerson, Lect. ii. contra Vanam Curiositatem, Consider. v. (Opp. i. 101) says of the Trinity: Major distinctio quam formalis stat cum summa simplicitate divina, distinctio scilicet personarum. Hoc ego pia et sola fide teneo, numquam hoc asserturus, nisi fides edoceret.

<sup>7</sup> Thus Occam says of transubstantiation, above, note 6. Jo. Gerson, Sermo de Conceptione b. Mariae Virg. (Opp. ed. du Pin, iii. 1330): Est quod Spiritus sanctus inter dum revelat Ecclesiae vel doctoribus posterioribus aliquas virtutes, vel expositiones a Scripturae, quas non revelavit eorum praedecessoribus.—Ideo Moyses scivit plus quam Abraham, Prophetas quam Moyses, Apostoli quam Prophetas: et doctores addiderunt multas veritates ultra Apostolos. Quapropter dicere possumus, *hanc veritatem, b. Mariam non fuisse conceptam in peccato originali, de illis esse veritatibus, quae noviter sunt revelatae vel declaratae*, tam per miracula quae leguntur, quam per majorem partem Ecclesiae sanctae, quae hoc modo tenet. Fuit tempus aliquod, in quo non tenebatur generaliter, Mariam virginem esse in Paradiso in corpore et anima (vol. 1, § 18, note 12), sicut modo tenetur; et similiter post institutionem festi nativitatis S. Joannis nativitas Dominae nostrae ordinata fuit per revelationem unius solius feminae, et multa similia.

They were, indeed, sorely attacked by the realists for their paradoxical assertions,<sup>8</sup> and in Paris nominalism was at first strictly forbidden:<sup>9</sup> however, it imperceptibly gained the upper hand, and at the end of the fourteenth century the nominalists were the dominant party in Paris, while elsewhere they were still violently assailed,<sup>10</sup> and in Prague (1408) even banished by the realists.<sup>11</sup>

The third period of scholasticism is remarkable for the violent warfare of the different schools, particularly of the nominalists and realists. In this contest attention was almost exclusively turned to the preliminary philosophical notions of theology; in this region the nominalists could gratify, without danger, their love of paradox, by which they meant to copy the originality of their leader. Thus this period is distinguished for fruitless subtleties about abstract ideas.<sup>12</sup> All taste for the practically important parts of theol-

*Nota de opinione S. Augustini de igne Purgatorii, qualiter tenetur opposita.* (Vol. 1, Div. 2, § 121, note 18, p. 515.)

<sup>8</sup> Compare, *Errores Joannis de Mercuria Ord. Cist.*, which were condemned in 1347, in Bulaeus, *Hist. Univ. Paris.* iv. 298, d'Argentré, *Collect. Judiciorum* 1, 342; and *Errores Nicolai de Ultricuria*, condemned in 1348, in Bulaeus, iv. 308 and d'Argentré, i. 355. The latter maintained, among others, the remarkable propositions: *Quod de rebus per apparentia naturalia quasi nulla certitudo potest haberi. Illa tamen modica potest haberi, in modico tempore vel brevi, si homines convertant intellectum suum ad res, et non ad intellectum dictorum Aristotelis, et sui Commentatorum.*—*Miratur, quod aliqui student in Aristotele et Commentatore usque ad decrepitam senectutem, et propter eorum sermones logicos deserunt res morales et curam boni communis; in tantum quod cum exsurrexit amicus veritatis, et fecit sonare tubam suam, ut dormientes a somno excitaret, contristati sunt valde, et quasi armati ad capitale praelium contra eum irrurrerunt.*

<sup>9</sup> In Paris, next after Occam, his disciple, John Buridan (in 1327 rector of the University), was a zealous propagator of nominalism; see Tenneman, viii., ii. 914; Ritter, iv. 604. With reference to him, yet without mentioning his name, the *Facultas Artium*, in the year 1339, prohibited the doctrina Gulielmi dicti Occam, with a threat against any one who should continue to teach it; ipsum a lectura per annum privamus (see Bulaeus, iv. 257; d'Argentré, i. 337). A new prohibition appeared, A.D. 1340 (in Bulaeus, iv. 267; d'Argentré, i. 338), against the new method of teaching, e. g. *quod nulli Magistri—audeant aliquam propositionem famosam illius auctoris, cujus librum legent, dicere simpliciter esse falsam, vel esse falsam de virtute sermonis, si crediderint, quod auctor posuerit, aut ponendo illam habuerit verum intellectum; sed vel concedant eam, vel sensum verum dividant a sensu falso, quia pari ratione propositiones Bibliæ absoluto sermone essent negandæ, quod est periculosum.*—*Item, quod nullus dicat, scientiam nullam esse de rebus, quæ non sunt signa, i. e. quæ non sunt termini vel orationes: quoniam in scientiis utimur terminis pro rebus, quas nobiscum portare non possumus ad disputationes. Ideo scientiam habemus de rebus, licet mediantibus terminis vel orationibus.*

<sup>10</sup> This was the case in Oxford; see A. Wood, *Hist. et Antiqu. Univ. Oxon.*, p. 169.

<sup>11</sup> Party spirit was here united with national hatred. The victorious Bohemians were realists, the retiring Germans nominalists, Aeneas Sylvii *Hist. Bohemica*, c. 85.

<sup>12</sup> Jo. Gerson, *Epist. Altera de Reform. Theologiæ* (Opp. ed. du Pin, i. 122): *In facultate Theologiæ videtur esse necessaria reformatio super sequentibus inter cætera.*

ogy was so entirely deadened that even the Predestinarianism of Thomas Bradwardine (1325, teacher of theology in Oxford, 1348 Archbishop of Canterbury, † 1349, Doctor profundus),<sup>13</sup> which at

Primo, ne tractentur ita communiter doctrinae inutiles sine fructu et soliditate, quoniam per eas doctrinae ad salutem necessariae et utiles deseruntur. Nesciunt necessaria, quia supervacua didicerunt, inquit Seneca. Secundo per eas studentes seducuntur, qui scilicet putant illos principaliter esse Theologos, qui talibus se dant, sprete Biblia et aliis Doctoribus. Tertio per eas termini a ss. Patribus usitati transmutantur.—Quarto per eas Theologi ab aliis Facultatibus irridentur. Nam ideo appellantur phantastici, et dicuntur nihil scire de solida veritate et moralibus et Biblia. Quinto per eas viae errorum multiples aperiuntur.—Sexto per eas Ecclesia et fides neque intus neque foris aedificantur.—Tales nunc currunt propositiones ex talibus doctrinis: *Infinite sunt durationes in divinis, secundum prius et posterius, quamvis aeternae. Et ita de mensura. Spiritus sanctus libere, contradictorie, contingenter producit ex parte principii quo. In divinis est absolute potentialitas ad non esse Spiritus sancti. Producere Filium in divinis, ut sic, nihil est, etc.*—Item monendi videntur Magistri nostri,—quod materiae secundi, tertii et quarti Sententiarum magis tractarentur (*quia vix legitur nisi primus, occupando tempus in praemissis doctrinis*) et similiter Biblia. Et pro honore Dei attendatur diligenter, quanta est necessitas pro instructione populorum, et pro resolutione materiarum moralium temporum nostris. Et tunc credendum est, quod in tanta angustia temporis, et inter tot animarum pericula non multum placebit ludere, ne dicam phantasiari, circa ea quae prorsus supervacua sunt.

<sup>13</sup> He wrote, *De causa Dei* adv. Pelagium, libb. iii. ed. H. Savilius, Lond. 1618, fol. In the *Praefatio* there is a complaint against the theologians of the day: *Ecce enim,—sicut olim contra unicum Dei Prophetam octingenti et quinquaginta Prophetas Baal; ita et hodie in hac causa, quot, Domine, hodie cum Pelagio pro libero arbitrio contra gratuitam gratiam tuam pugnant, et contra Paulum pugilem gratiae spiritualem? Quot etiam hodie gratiam tuam fastidiunt, solumque liberum arbitrium ad salutem sufficere stomachantur? aut si gratia utantur vel perfunctorie, necessariam eam simulant, ipsamque se jactant liberi sui arbitrii viribus promereri, ut sic saltem nequaquam gratuita sed vendita videatur?—Non enim verentur astruere, suam voluntatem in actione communi praeire ut dominam, tuam subsequi ut ancillam.—Totus paene mundus post Pelagium abiit in errorem. Exurge igitur, domine, judica causam tuam. Bradwardine goes so far beyond Augustine as to assert, lib. iii. c. 2: Deus quodammodo necessitat quamlibet voluntatem creatam ad quemlibet liberum actum suum, ad quamlibet etiam liberam cessationem et vacationem ab actu, et hoc necessitate naturaliter praecedente.—Videlicet universaliter omnis effectus a quocunque agente rationali vel irrationali et libero producit hoc modo, quod posito suo agente cum omnibus suis dispositionibus sufficientibus naturaliter praeviis quibus illum producit, necessario et indefectibiliter sequitur ipsum produci, et producit ex necessitate naturaliter praecedente.—*Corollarium*: Unde consequitur evidenter, quod aliquis necessitas antecedens et libertas ac meritum non repugnant, et quod nulla causa inferior, sed tantum superior, scil. Dei voluntas, est necessitas antecedens, et quod omnia quae sunt, fiunt et eveniunt, sunt, fiunt et eveniunt de aliqua necessitate ipsa naturaliter praecedente. Cf. d'Argentré, i. 823. On certain followers and foes of Bradwardine, *ibid.* p. 328. Albert, bishop of Halberstadt, seems to have been a disciple of this system, against whom, for this reason, Gregory XI. ordered an inquisition (Raynald. ann. 1372, no. 33). According to the Pope's brief he taught, quod omnia in hoc mundo ex necessitate eveniunt, et quod fata cuilibet homini vitae ac mortis necessitatem imponunt, et quod non est habendum consilium, nec deliberandum de aliquo, cum omnes actus hominum, etiam a libero arbitrio procedentes, noscantur ex necessitate caelestis influentiae provenire. This doctrine, it was said, had already effected, that nonnulli etiam nobiles et alii de partibus illis,—per haec putantes tolli merita et demerita, incipiunt omittere invocationem divini auxilii et Sanctorum, nonnullaque alia ope ra pietatis, etc.*

any other time would have kindled an universal blaze, was now lightly regarded. At the same time that infidel philosophy which, ever since the beginning of the thirteenth century, had been secretly maintained, came forward in Italy with a bolder opposition to theology.<sup>14</sup> The more distinguished men at the end of this period, Petrus de Alliaco (from 1375 teacher in Paris, 1389 Chancellor of the University, 1396 Bishop of Cambrai, 1411 Cardinal, † 1425),<sup>15</sup> John Charlier de Gerson (from 1381 teacher in Paris, 1395 Chancellor of the University, † 1429 at Lyons, Doctor christianissimus),<sup>16</sup> and Nicolas de Clemangis (artist, 1393 rector in Paris, afterward private secretary to Benedict XIII., from 1408 living in retirement, † before 1440),<sup>17</sup> felt how fruitless were the theological

<sup>14</sup> To this belong the 219 propositions condemned in 1277 by Stephen, bishop of Paris, printed in d'Argentré I., i. 175, more correctly in Schneider's Bibliothek d. Kirchengesch. i. 1 (Ullmann, Reformatoren vor der Reform. i. 40, gives erroneously the year 1376 with reference to Jo. de Goch, De Libertate Christ). Petrarch, in a letter to Boccaccio, A.D. 1364 (Rerum Senil. lib. v. ep. 3; Opp. iii. 795), speaks of some such unbelievers, whom he had met at Venice: *Dialectici non ignari tantum sed insani.*—*Hi Platonem atque Aristotelem damnant, Socratem ac Pythagoram rident.* They despise likewise Cicero, Varro, Livy, Sallust, Virgil, and no less Christ, the apostles, and the Fathers of the Church. *Est jam hoc inter eos crebrum, atque in consuetudine redactum, ut quotiens haec verenda et sacra nomina proferuntur, vel nutu illa tacito vel impio feriant sermone.* Augustinus, inquit, multa vidit, pauca scivit. One such person (unus moderno more philosophantium, quique nihil actum putant, nisi aliquid contra Christum et caelestem Christi doctrinam latrant) said to Petrarch: *Tuos et Ecclesiae doctorculos tibi habe: ego quem sequar habeo, et scio cui credidi.* Verbo, inquam, Apostoli usus es, et fide utinam uti velis. *Apostolus, inquit, ille tuus seminator verborum, et insanus fuit.*—*Tu esto Christianus bonus, ego horum omnium nihil credo.* *Et Paulus, et Augustinus tuus, hucque omnes alii, quos praedicas, loquacissimi homines fuere: utinam tu Averroem pati posses, ut videres, quanto ille tuis his nugatoribus major sit.*—*Nec supplicii metus valet, nec inquisitores haeresium armati, nec carcer atque ignis ignorantiam procacem atque haereticam comescit audaciam.* He says of the same philosopher, *de Ignorantia sui ipsius et multorum*, Opp. iii. 1048: *submotis arbitris oppugnant veritatem et pietatem, clanculum in angulis irridentes Christum, atque Aristotelem, quem non intelligunt, adorantes.*—*Ubi ad disputationem publicam ventum est, quia errores suos eructare non audent, protestari solent, se in praesens sequestrata ac seposita fide disserere.*

<sup>15</sup> He wrote, *Comm. breves in libb. iv. Sentent.* (ed. 1500. 4.), besides several works, devotional, mystical, and treating of ecclesiastical matters.

<sup>16</sup> His life is in v. d. Hardt, *Conc. Const.* I. iv. 26. There are a number of theological, moral, and ascetic treatises and speeches by him; among them are several occasional treatises, most completely collected by Lud. Ellies du Pin, *Antwerp* (Amsterdam) 1706, 5 voll. fol. *Essai sur Jean Gerson par Ch. Schmidt, Strasbourg et Paris, 1839.* [Gerson, T. Huss et le Concile de Constance, par Bonnechose, 2. 8. Paris.]

<sup>17</sup> His life is in v. d. Hardt, l. c. I. ii. 71. His works chiefly refer to prevalent defects, the reformation of morals and the constitution of the Church; ed. Jo. Mart. Lydius, *Lugd. Bat.* 1618. 4. Several were afterward published by Herm. v. d. Hardt in the *Conc. Const.* and by other persons. *Nicolas de Clemanges, sa Vie et ses Ecrits, thèse par Ad. Müntz, Strasb. et Paris, 1846.* [Life and Times of Nicholas de Clemangis. *Presb. Quarterly*, Dec. 1856.]

pursuits of their time for science and the Church, and made attempts at improvements.<sup>18</sup>

### § 117.

#### MYSTIC THEOLOGY.

Ch. Schmidt, *Etudes sur le Mysticisme Allemand au XIV<sup>e</sup> Siècle*, Paris, 1847. 4. (from t. ii. of the *Mémoires de l'Acad. des Sciences, Morales, et Politiques, Savants Etrangers.*) [Helfferich, *Die christl. Mystik*, 2 Thle. Gotha. L. Noack, *Geschichte d. Mystik*. Königsb. 1853.]

While the hierarchy was destroying its own reputation, and often, by the use of interdict, its means of efficacy, and while manifold misfortunes weighed down the people, mysticism won many adherents, especially in southwestern Germany (*Gottesfreunde*).<sup>1</sup>

<sup>18</sup> Jo. Gerson, *Epistt. duae de Reform. Theol.*; compare above, note 12. Nicol. de Clemangis, *lib. de studio theologiae in d'Achery Spicil. i. 473. E. g. p. 476: Miror Theologos nostri temporis paginas divinorum Testamentorum ita negligenter legere, et nescio quarum satis sterilius subtilitatum indagine sua ingenia conterere, utque verbis utar apostolicis, languere circa quaestiones et pugnas verborum* (1 Tim. vi. 4), quod Sophistarum est, non Theologorum.—Solebant antiqui Patres et Theologi, quorum per Ecclesiam sunt approbata scripta, nihil dicere vel astruere, nisi quod Scripturarum testimonio posset confirmari: unde et Hieronymus ait: *Quod de Scripturis sacris non habet auctoritatem, eadem facilitate contemnitur qua probatur.* Rectissime plane illi quidem, quoniam in his, quae divina sunt, nihil debemus temere definire, nisi ex caelestibus possit oraculis probari: quae divinitus enuntiata de his, quae scitu de Deo sunt necessariae aut ad salutem opportuna, si diligenter investigarentur, nos sufficienter instruunt.—Nunc autem plerosque videmus scholasticos sacrarum inconcussa testimonia literarum tam tenuis aestimare momenti, ut ratiocinationem ab auctoritate ductam velut inertem et minime acutam sibilo ac subannatione irrideant, quasi sint majoris ponderis, quae phantasia humanae imaginationis adinvenit, quam quae divinitus caelitus aperuit, cum, teste Apostolo, *omnis scriptura divinitus inspirata utilis sit ad docendum, ad arguendum, etc.* (1 Tim. iii. 16): ad quae illa sunt parum utilia, in quibus hodie plurimi exercentur, quae licet intellectum utcumque acuant, nullo tamen igne succendunt affectum, nullo motu excitant, nullo alimento pascunt, sed frigidum, torpentem, aridum relinquunt. Inde est, quod ad praedicandum tardi adeo et ignavi sunt, quia scientiam ad hoc utilem minime didicerunt, supervacuisque occupati utilia et necessaria omiserunt. Illa est vera scientia, quae Theologum decet, quamque omnis debet Theologus expetere, quae non modo intellectum instruat, sed infundat simul atque imbuat affectum.—Non ergo theologico det eo fine operam studio, ut theologiam sciat, hoc enim quaedam curiositas est; non ut vulgi favorem aut plausum populi sibi per hoc acquirat, quia ventus inanis est;—non ut ad honores et dignitates perinde promoveatur, quia ambitio est;—sed ea mente ac proposito theologiae aggrediatur studium, ut de talento doctrinae sibi divinitus commisso, fideliter Deo serviendo, secum ad salutem aeternam quoscunque poterit perducatur ac lucrifaciat, etc.

<sup>1</sup> On them, see especially Dr. C. Schmidt's *Johannes Tauler v. Strassburg*, s. 161. Comp. also Röhrich's *Gottesfreunde u. Winkeler*, in *Illgen's Zeitschr. f. d. Hist. Theol.* 1840, i. 118. *Die Gottesfreunde in Basel*, v. Wackernagel, in the *Beiträge zur Gesch. Basels*, Bd. 2 (Basel, 1843), s. 111. That the Friends of God were a definitely constituted society, and that they had secretly united themselves with the Waldenses, has been erroneously concluded from the statements with regard to Nicolas of Basle; more on this below. *Friends of God* is the common name by which the mystics of this period designate

Hitherto mysticism had maintained itself in the Church in connection with scholastic theology. Now, in opposition to the chilling influence of nominalism, a rash idealistic mysticism, grounded upon the Areopagites<sup>2</sup> and Neoplatonists, made its appearance, first in the Dominican, Henry Eckart, at Strasburg and Cologne († before 1329).<sup>3</sup> God is, according to him, the only essence—the eternal generation of the Son is the production of essential ideas: these are that divinity which exists in all creatures,<sup>4</sup> every thing finite is only a seeming. The godlike in the soul must separate itself from the finite, according to the pattern of Christ; that, by the contemplation of God, man may become, like Christ, a son of

nated each other among themselves, it is of the same meaning with the expressions of other times, *Brothers in Christ, Peace on earth, Children of God*, and so forth. Comp. Tauler: "Darumbe sprach unser herre zu sinen Jungern: ingnoten (von nun an) spruch ich uch nit Knechte, mer Frunde (Joh. 15. 15).—Und darumb der ein gewarer Frunt wil sin, der mus alle Ding lassen und Got nachfolgen.—Das ensint nüt Secten, dass sich Gottes Frünt ungelich usgebent der Welte Fründen.—Sie seynt gar einfeltig gehorsam der heiligen Kirchen" (Schmidt, s. 164 ff.). They were certainly bound together by community of feeling, and so Suso represents them as the Brotherhood of Eternal Wisdom, in a work with this for its title (edition of Diepenbrock, s. 484). Only it is evident that here is no external union; any one can take up or lay down this brotherhood on his own authority (s. 486). In the year 1886 the name *Gottesfreunde* was in such good repute, even among strict Catholics, that Otto v. Passau, the Franciscan, at Basle, dedicated his ethics, entitled, "The Twenty-four Elders, or the Golden Throne," to all Friends of God, ecclesiastical and secular, gentle and simple, women and men, or whosoever they be (Schmidt, s. 172, A). [C. Schmidt, *Die Gottesfreunde im XIV. Jahrhundert*, in the *Beiträge zu den theol. Wissenschaften*. Bd. v. 1854.—R. A. Vaughan, *Hours with the Mystics*. 2. 8. Lond. 1856.]

<sup>2</sup> Dionysii Areopagitas et Mysticorum saeculi XIV. Doctrinae inter se comparantur, Diss. scripsit G. A. Meier, Halis, 1845.

<sup>3</sup> Concerning him, see Quetif et Echard scriptores Ord. Praedicatorum, i. 507. Meister Eckart v. D. C. Schmidt, in the *Theolog. Studien u. Krit.* 1839. III. 663. Also Schmidt's *Études*, p. 12. Meister Eckart, eine theol. Studie v. D. H. Martensen, Hamburg, 1842. Ritter's *Gesch. d. christl. Philosophie*, iv. 498. In the Basle editions of Tauler's sermons, of 1521 and 1522, fol. 242 ff., there are fifty-five sermons and four short essays by Eckart; on MSS. of them, see Schmidt, *Études*, p. 23. On Eckart's Book of Divine Consolation, l. c. p. 24. There are three fragments from Eckart in Wackernagel's *Old-German Reading-Book*, 2d edit. i. 889. Gervinus, *Gesch. d. poet. National-Literatur*, 3te Ausg. ii. 143, has given a sketch of his doctrine from some manuscripts, which are expected to be published in Pfeiffer's *German Mystics*.

<sup>4</sup> Eckart in Tauler's Sermons, Basle, 1521, fol. 254, col. 8: There is somewhat of God in all creatures, but God dwells God-like in the soul when it is his abiding-place. Fol. 300, col. 4; there is a light in the soul which is uncreated and inexhaustible (fol. 296, col. 4; there is a power in the soul which neither time nor state effects; fol. 297, col. 2, a light of the spirit, a spark). In the treatise on the Wirkliche u. Mögliche Vernunft, by an unknown author of the 14th century, in which Master Eckart is often quoted, occurs the following passage (Docen's *Miscellaneen zur Gesch. d. deutschen Literatur*, i. 145): Nu wil Maister Eckart noch baz sprechen, und spricht, daz Ainz ist in der Seel, daz so hoch und so edel sei, also als Gott, sunder alle Namen. Nu spricht Maister Eckart, — daz die Seel in dem Theil sei ein Funken gottlicher Natur: darum nennet es Maister Eckart einen Funken mit Worten in der Seel.

God.<sup>5</sup> As this doctrine was drawn from the same sources as that of the sect of the Free Spirit, so it was closely related to it,<sup>6</sup> and was condemned for this reason.<sup>7</sup> However, the immoral deductions which this sect appended are beyond doubt unjustly attributed to Eckart,<sup>8</sup> neither was there any external connection be-

<sup>5</sup> Eckart, fol. 277, col. 2: We should be united in God essentially, we should be united in God individually, we should be united in God entirely. How should we be united in God essentially? This must be done in contemplation, and not substantially. His substance can not become our substance, though it must be our life. (On the other hand, fol. 315, col. 1, we shall become the same essence and substance and nature that He is himself, without any difference.—And when his substance and essence and nature is mine, then I am the son of God). Fol. 248, col. 3: There is one only contemplation by which we can understand the perfect simplicity, that is God; this unites the soul more to God than it can be united by all those works which holy Christianity has ever worked externally. Fol. 309, col. 4: Just so far as man denies himself in God, and is united with God, so far is he more God than creature. When man is altogether set free from himself by God, and is no one's else but God's only, and lives not except by God alone, it is plain that he is in truth the same by grace that God is by nature, and God himself recognizes no difference between himself and this man. Fol. 268, col. 3: Wherefore is God become man? That I may be born in like manner of God. God died for this reason that I may die to all the world and all created things.—This the Son heard from the Father, this has he revealed to us, that we may be the same son. Fol. 260, col. 4: The Father begot the Son in His everlasting wisdom, and so, too, the Father begets the Son in the soul, as in His nature.—When the Father begets His Son in me, then am I the same son and not another. Fol. 254, col. 4: God himself must work in us, if it is a God-like work; man follows and does not withstand, he is passive and lets God work. Gervinus, ii. 146: However pure and faultless those works may be which are wrought in the light of the soul, those are still more faultless which remain within and in the spirit, and do not come forth. Then the soul approaches her state after death, when she will be infused into the Godhead, and lose her individuality (*ihr Icht*), being buried in the countenance of God, since she will be unknown to all creatures, but herself will know all creatures.

<sup>6</sup> Gerson, *De Concordia Metaphysicæ cum Logica* (opp. ed. du Pin, i. 825): *Universalia realia extra animam ponere alibi vel aliter quam in Deo, est hæresis expresse damnata per decretalem Innocentii III.* (in the bull against Amalric, vol. 2, § 74, note 10).—*Alter error, quod primordiales causæ, quæ vocantur ideæ, i. e. forma sive exemplar, creant et creantur.*—*Constat quod ad positionem universalium realium, prout exponunt, sequitur hæc doctrina, vel forsan insanior, ut quod sit ens unum transcendens in re, quod nec est Deus, nec creatura, nec æternum, nec temporale.*

<sup>7</sup> So early as 1324, Eckart, at that time a prior at Frankfort on the Maine, was brought to trial by command of the general of the Dominicans (Schmidt, *Etudes*, p. 14), afterward at Cologne in 1327, by the Archbishop of the place, from whom he appealed to the Pope (l. c. p. 16). The bull of condemnation by John XXII., which made its appearance in 1329, after Eckart's death, may be seen in Raynald. 1329, no. 70; d'Argentré, i. 312. Of the twenty-eight positions which it condemns, eight are to be found word for word, and fourteen in effect, in Eckart's Sermons (see the collection by Schmidt in the *Studien u. Krit.* 1839, iii. 673). Mosheim had in his possession some excerpts from a German book belonging to the sect of the Free Spirit "*Von den 9 geistl. Felsen*," and publishes several of them in his *Institt. Hist. Eccl.* p. 651 ss.; nine of these again may be found, word for word, among the aphorisms condemned in the bull. See Schmidt in the work quoted above.

<sup>8</sup> Among the positions condemned in the bull of John XXII. A.D. 1329, there are five to this effect, two of which are also given by Mosheim from the work "*Von den 9*

tween him and this sect: accordingly, his speculative mysticism constantly met with great approval in Southwestern Germany, particularly among the Dominicans, and he remained, in spite of the Papal condemnation, the great master of the Friends of God.<sup>9</sup>

*geistl. Felsen.* XIV. Bonus homo debet sic conformare voluntatem suam voluntati divinæ, quod ipse velit quicquid Deus vult. Quia Deus vult aliquo modo me peccasse, nollem ego, quod ego peccata non commissem: et hæc est vera poenitentia (der gottliche Mensch soll also seinen Willen einformig machen mit Gottes Willen, dass er alles das soll wollen, was Gott will. Willt Gott in etlicher Weise, dass ick gesundet habe, also soll ick nit wollen, dass ick nit gesundet habe. Und das ist gewarig Ruwe d. i. quies, not poenitentia). XV. Si homo commisisset mille peccata mortalia, si talis homo esset recte dispositus, non deberet velle se ea non commisisse. (Und wenn dass der Mensch tusend Todsunde gethan hette, und uber das der Mensch wel uesetzt oder geordnet were, er en solte nit wollen, dass er derselben Sunde nit gethan hette: aber er solte e wellen tusend Tode liden, e er yme nie de keine Todsunde wolte tun.) These propositions can not belong to Eckart. According to him every work of God is a necessity (fol. 268, col. 4: Von Not muss Gott wûrken alle seine Werk): He can not will this way or that, virtue is his necessary will (fol. 309, col. 2: Die Tugend ist Gott, oder on Mittel in Gott). Accordingly he thus expresses his own doctrine in opposition to that of the sect of the Free Spirit (fol. 263, col. 1): "Gott bezwinget den Willen nit, er setzet ihn in Freiheit, also dass er nicht anders will, denn das Gott selber ist, und das die Freiheit selber ist, und der Geist mag nicht anders wûllen, dann das Gott will, und das ist nit sein Unfreiheit, es ist sein eigen Freiheit. Nun sprechent etliche Menschen: hab ich Gott und Gottes Liebe: so mag ich wol thun alles das ich will. Diss Wort verstand sie unrecht. Dieweil du kein (d. i. irgend ein) Ding vermagst das wider Gott ist und wider seine Gebott, so hastu Gottes Liebe nit, du magst die Welt wol betriegen, als habestu sie. Der Mensch, der da stat in Gottes Willen und in Gottes Liebe, dem ist lustlich, alle Ding zu thund, die Gott lieb seind, und alle Ding zu lassen, die wider Gott seind, und ist ihm als unmuglich kein Ding zu lassend, das Gott gewûrkt will han, als kein Ding zu thun das wider Gott ist." Fol. 244, col. 4: "Der Gerecht der lebet in Gott, und Gott lebet in ihm, wann Gott wirt Geborn in dem Gerechten, und der Gerecht wird geborn in Gott. Wann von einer jeglichen Tugend des Gerechten, so wird Gott geborn, und Gott der wird erfreuet von einer jeglichen Tugend des Gerechten, und er wird nit allein erfreuet von einer jeglichen Tugend des Gerechten, sonder auch von einem jeglichen Werk, wie klein das sey, das do vallet von der Tugend, das da gewurkt wird in der Gerechtigkeit, von dem so wird Gott erfreuet, ja durchfreuet,—ja durchkûtzelt von Freuden. Und diss müssen grob Leut glauben, und aber erleuchten Menschen ist es zu wissen." The fact that the immoral principles of the sect of the Free Spirit were laid to Eckart's charge in that bull, may be probably accounted for in the following manner. This sect availed itself of the remarkable coincidence of their speculative theology with that of the famous preacher Eckart, to represent in the work, *Von den 9 geistl. Felsen*, their doctrines as the doctrines of Eckart; this they did by borrowing, word for word, from his sermons such positions as agreed with their doctrines, and adding their own deductions. From this work, which was spread abroad as a representation of Eckart's doctrine, the Archbishop of Cologne drew the statements which he sent to the Pope, and which were accordingly condemned by him as Eckart's principles. It seems that the Dominicans afterward represented to the Pope the true state of the case: for, in 1330, there appeared the bull, *In agro dominico* (in Coeneri Chron. in Eccardi Corp. Scriptt. Medii Aevi, ii. 1036), in which the same positions, word for word, were condemned as positions of the Beghards, without any mention being made of Eckart,—this was in fact a kind of retracting of the first bull.

<sup>9</sup> Tauler speaks of him as a teacher of the Church (2d Sermon on the xiiiith Sunday after Trinity, fol. 104, col. 2: Bisch. Albrecht, und Meister Deiterich, und Meister Eck-



On the other hand, from the year 1330, a Friend of God, Nicolas of Basle,<sup>10</sup> devoted himself to a practical mysticism. By ascetic exercises he believed that he had attained to a complete renunciation of the world and of his own will, and to an intimate intercourse with God, to visions also and revelations; and he was now constantly employed in leading others, who would submit themselves to his guidance,<sup>11</sup> to the same communion with God.<sup>12</sup>

hart, die heissen es einen Funken der Seel). Suso, who had been his pupil at Cologne, says, in his *Life*, cap. 23, edition of Diepenbrock, s. 71: "da kam er (Suso) zu dem heil. Meister Eckhart, u. klagte ihm sein Leiden. Der half ihm davon." Afterward many of the dead appeared to him (Kap. 8. s. 20): "Unter andern erschien ihm auch der selige Meister Eckhart."—It is plain that these men could not have allowed that there was any connection between Eckhart and the sect of the Free Spirit.

<sup>10</sup> See especially Schmidt's *Joh. Tauler*, s. 28 and 191. The sources of information with regard to him are, the "Historia des ehrw. D. Tauleri," prefixed to Tauler's *Sermons*, written by Tauler and finished by Nicolas (comp. Schmidt, s. 25, note 5), and the "Buch von den fünf Mannen," who lived a cenobite life dedicated to mysticism and devotional exercises, and among whom Nicolas was chief (in the *Memorial des Johanniterhauses zum grünen Wörth*, c. 19 ff. Handschrift der Strassburger Biblioth., s. Schmidt, s. 197.) Of Nicolas's works there are still extant a *Letter to Christendom*, to call it to repentance, occasioned by a vision on Christmas night, 1356 (published by Schmidt, s. 220), and a letter to the Johannites of Strasburg in 1377 (*ibid.* s. 233).

<sup>11</sup> Submission to the spiritual guidance of experienced persons, whether ecclesiastic or lay, was strongly recommended by the Friends of God. Thus Tauler and Hulman Merswin submitted themselves to the layman Nicolas, just as much as did the four men with whom he lived in common. So Tauler advises (1 *Pred. auf Maria Geburt*, fol. 146, col. 3): "Darumb wär es gar sicher, dass die Menschen, die der Wahrheit gern lebten, hatten einen Gottesfreund, dem sie sich unterworfen, und dass er sie richtet nach Gottes Geist.—Die Menschen sölten einen Gottesfreund uber zwenzig Meil suchen, der den rechten Weg bekannte, und sie richtet: und war es nit ein sunderlich Menscha, so war ein gemein Beichtiger gut." And Nicolas himself, in his exhortation to repentance (Schmidt's *Joh. Tauler*, s. 281), with a view to bring back christendom to a Christian state, recommended "daz man Rath suchte, der usser dem heiligen Geiste käme, sollicher Rath war durch Pfaffen oder durch Laygen.—Aber solliche Menschen, die usser dem heiligen Geiste Rath geben möchten, die sint gar kume zu vindende: aber wie lüzel ihr ist, so vindet man ihr noch in der Zit."—Nicolas and the Friends of God, who were first brought into notice by Schmidt, were commonly, even by him, placed in some kind of connection with the Waldenses; for instance, the obedience which many Friends of God rendered to Nicolas was explained as implying that he belonged to the class of the *Perfecti*, the teachers and priests of the Waldenses. However, this relationship can not be shown to have existed among the Waldenses: on the contrary, the obedience rendered to Nicolas was no other than that which Tauler publicly enjoined upon his hearers, and so can not possibly be explained as an heretical institution. Besides, Nicolas can not have been a Waldensian preacher; for, 1, he remained continually in possession of his own property (*Historia Tauleri*, s. 8); compare Yvonetus, vol. 2, § 90, note 2; 2, he worshiped Mary and the saints; see his *Exhortation to Repentance*, in Schmidt, s. 221: 3, he believed in purgatory (*Historia Tauleri*, toward the end): 4, those ecstasies and visions, which the five men believed that they had, were as unknown to the Waldenses as was their reveling in internal suffering and their self-tortures. The cenobitism of the five men was like that which afterward appeared among the Brethren of the Common Life, who also were bound to obedience to the president of their house.

<sup>12</sup> Also by books written in German; see his *Exhortation to Repentance* in Schmidt,

Under such influences grew up the most distinguished preacher of this mysticism, John Tauler, the Dominican, at Strasburg († 1361).<sup>13</sup> He had adopted Eckart's speculative mysticism, when, under the guidance of Nicolas of Basle, A.D. 1340, he attained inward regeneration through ascetic exercises, and henceforth, without giving up these speculations, but chiefly by vivid energetic preaching, he taught men to renounce earthly objects and sins, to follow in poverty the life of Christ, and thereby to attain to communion with God.<sup>14</sup>

s. 231: "Aber etteliche Lehrer sprechent, tüsche Bücher sind schadeber der Christenheite.—Aber solliche Büchelín, also dis Büchelín ist, und ouch ander tüsche Bücher, die ouch in dirre Mose sind und ouch nut wider die heilige Geschrift sind, solliche tüsche Bücher sind einvaltigen Leygen gar nütze und gar gut; und ihr söllent sie tuch nüt losen die grosen Lehrer abesprechen, dieselben Lehrer, die do vol der Geschrift sind und Lehre Gottes, wenne sie suchent sich selber in Ehre dirre Welte me denne Gott." That Nicolas kept all his operations very secret, and that Tauler, too, gave his special instructions only under the seal of confession (*Historia*, s. 5), is to be explained, partly from humility, since they wished to avoid all publicity about their experiences and revelations, partly also from fear of the clergy, if Nicolas, being a layman, should assume an ecclesiastical function.

<sup>13</sup> Quetif et Echarde, *Scriptt.*, Ord. Praedicator. i. 667. Oberlini *Dis. de Tauleri dictione Vernacula et Mystica*, Argent. 1786. 4. Ullmann's *Reformatoren vor der Reformation*, ii. 222. Esp. *Johannes Tauler von Strassburg*, von D. C. Schmidt, Hamburg, 1841. His *Études sur le mysticisme allemande au XIV<sup>e</sup> siècle*, p. 105. The *Historia des ehrw. D. Tauleri* (see note 10), is the narrative of his conversion and death. On manuscripts and editions of his sermons (in different German dialects), see Schmidt, s. 64. The best edition is that of Joh. Rynman, Basle, 1521, fol. The latest, in the language of our time, is that of Frankfort on Maine, 1826, 3 Th. 8. (with an introduction on Tauler's Life and Writings). Among his lesser ascetic works (Schmidt, s. 73), the most remarkable is the *Book on the Imitation of Christ's Life of Poverty* (first published by Dan. Suderman, 1621, last by Schlosser, Frankfort on Maine, 1833). [R. A. Vaughan, *Hours with the Mystics*, 2. 8. Lond. 1856.—*Life and Sermons of John Tauler*, transl. by Susanna Winkworth, Lond. 1856.]

<sup>14</sup> On Tauler's mysticism, see de Wette *christ. Sittenlehre*, ii. ii. 220. Schmidt's *Joh. Tauler*, s. 90. The children of this world used to say of such earnest and convincing sermons (fol. 77, col. 1): "Es ist eins Begharts Red und Nunnentand. Lug, diess seind die newen Geist." Tauler often clearly marked the boundary line between his doctrine and that of the sect of the Free Spirit, for which it might easily have been mistaken. Sermon iii. on *Corpus Christi*, fol. 67, col. 2: "Viel minder ist das zu begreifen, wie der Geist verwird in göttlicher Einigkeit, und da er sich also verleurt, daz kein Vernunft darzu kann kummen. Diss nehmen die unverständigen Menschen fleischlich, und sprechen, sie sollten verwandelt werden in göttlich Natur, und das ist zumal falsch und böss Ketzerei. Wann von der allerhöchsten nächsten innigsten Einung mit Gott so ist doch göttlich Natur und sein Wesen hoch, und hoher über alle Höch, das gat in ein göttlichen Abgrund, dass da nimmer kein Creatur würd." Sermon on the 21st Sunday after Trinity, fol. 127, col. 2. "Nun seind viel Menschen, die diese Blindheit und diese Finsterniss der Sünden haben gelassen, und haben sich gekehrt ganz und gar von ihn selber, und von allen Dingen in das wahr lauter Licht Gottes, und seind insinken in ihren inwendigen Grund und warlich inschmelzen in ihren Ursprung in ein inwendig Stillschweigen in aller ihrer inwendigen Kraft der Seel, und hiedurch werfen sie sich in die Finsterniss der göttlichen Wüstung, die da ist über aller Engel und Menschen Verständniss, und in

This same mystical tendency, which sometimes inclined to the speculative, sometimes to the practical side, is found in the Dominican, Nicolas of Strasburg,<sup>15</sup> who was rather mystically ascetic than speculative; in Rulman Merswin, a layman in Strasburg,<sup>16</sup> educated as a Friend of God, like Tauler, under the secret instruction of Nicolas of Basle († 1382); in the secular priest, Henry of Nordlingen;<sup>17</sup> in the Dominican, Henry Suso of Ulm,<sup>18</sup> who with

dem erschwingen sie sich selber also ferr, daz sie allen Unterscheid verlieren in der Einigkeit Gottes, und verlieren auch sich selber und alle Ding, und wissen zumal nit anders dann umb einen blossen lautern einfältigen Gott, in dem sie scind zu Grund versunken, und alleweil sie da seind, so geht es ihn gar wol, und verirren nit.—So kommt dann die geistlich Schalkheit, daz seind die subtilen Geist, die Teufel, die ferr über ander Teufel seind in Subtilikeit und in Schalkheit. Und so sie nit anders mügen, so bringen sie den Menschen in geistliche Hoffart, dass dieselben Menschen selber Gott seind in dieser hohen edeln Anschawung Gottes, darin diese Menschen gezogen werden in ihren Zugangen Gottes. Welcher Mensch diess also bedacht, und daruff warlich stünd, und dasselb also warlich von ihm selber hielt, das war ein sorglich Ding, und zu forchten ewiger Verdammnis: würd der Mensch anders hierin funden, daz er sich selber nit erkennt gegen Gott mit grosser Reuw und Leid, die der Mensch darumb haben soll, will er anders wieder kommen." Sermon I. on John the Baptist, fol. 138, col. 1: "Nun kommen die Vernünftigen mit ihrem natürlichen Liecht, in ihren blossen ledigen unverbildeten Grund, und besitzen da ihr natürlich Liecht mit Eigenschaft (Eigenthum), gleich als ob es Gott sey, und es ist nichts dann ihr blosse Natur.—Sie seynd nit durch den Weg der Tugend gegangen, und durch Uebung, die zu heiligem Leben gehören, und zu Tödtung der Untugend, des achten sie nit, wann sie lieben ihr falsche Ledikeit (Freiheit), die nit gesucht ist mit wirklicher Lieb, von innen und von aussen, und sie haben den Bilden (Vorbildern) Urlaub geben ee der Zeit. Denn kommet der Teufel und bringt sie in falsche Süssikeit und falsch Liecht, und damit verleitet er sie, dass sie ewiglich verloren werden. Und wozu er sie geneigt sind in ihr Natur, es sei Unkenschheit, oder Geizigkeit, oder Hoffart, darin zeucht er sie, und von des inwendigen Entpfindes (Empfindung), und in den Leichtern, die ihn der Teufel hat furgehalten, sprechen sie, dass es warlich Gott sei, und lassen ihn das nit nehmen, von dem so sie das mit Eigenschaft besitzen. Hievon so fallen sie in unrecht Freiheit zu volgen, wozu sich die Natur neigt, diese soll man mehr fliehen dann den Feind, wann sie seynd von ihren Weisen auswendig als ferr, dass sie nit gut seind zu erkennen." He often designates these men as "die frigen Geiste." Comp. Schmidt, s. 138.

<sup>15</sup> Papal nuncio in 1326, intrusted with the superintendence of the Dominican monasteries in Germany. Three of his sermons were published by Mone, Anzeiger, 1838, s. 271: one by Hoffmann, in Haupt's u. Hoffmann's altdutsche Blätter, 1840, ii. 165, Passages from a mystical Treatise, by Jahnin Lesefrüchte altddeutscher Theologie, 1838, s. 21. Compare Schmidt's John. Tauler, s. 5. Études, p. 18.

<sup>16</sup> He founded in 1371, under the guidance of Nicolas of Basle, the Johannite House at Strasburg; he wrote at his desire a German work, "Von den Vier Jahren seines Anfangenden Lebens," and composed the book of the Nine Rocks (this must not be confounded with the work of the same name in note 7 and 8), which is erroneously placed among Suso's works (Schmidt, in Ilgen's Zeitschr. f. hist. Theol. 1839, ii. 61), a representation of the ascent to God (like the book of the Seven Degrees, by an unknown monk at Heilbronn, belonging to the 14th century; see Gervinus Gesch. d. poet. Nationalliter. 3te Ausg. ii. 148). Compare Schmidt's Joh. Tauler, s. 177.

<sup>17</sup> His correspondence with the Dominican nun, Margaretha Ebner in Maria Medingen, is in Jo. Heumanni Opuscula, quibus Varia Juris Germ. Itemque Historica et Philol. Argumenta explicantur. Norimb. 1747. 4. p. 351. Comp. Schmidt's Joh. Tauler,

all his dalliance with fanaticism and misty fancies, was yet a famous preacher († 1365); and in the two men in whom Eckart's speculative mysticism was revived, the author of the *Deutsche Theologie*,<sup>19</sup> and John Ruysbroek, prior of the regular canons in Gröndal, near Brussels (Doctor ecstaticus, † 1381).<sup>20</sup> The Friends of God were numerous also in all classes of society; but their

s. 172. Wackernagel, in his *Beiträge zur vaterl. Gesch.*, published by the Historical Society of Basle (1843), ii. 136.

<sup>19</sup> Properly v. Berg; he called himself, after his mother, Sauss or Süss, and received the mystical name Amandus from the mother of God. His life, related by him to the nun Elizabeth Stäglin, written down by her, and published by him, is in Diepenbrock's edition, s. 1.—Quetif et Echard *Scriptt. Ord. Praed.* i. 653. Ullmann's *Reformatoren vor d. Ref.* ii. 204. *Der Mystiker Heinr. Suso*, by C. Schmidt, in the *Theol. Studien u. Krit.* 1843, iv. 835; also in his *Études*, p. 172.—His entire German works (Tracts and Sermons) appeared at Augsburg, 1482; at Ulm, 1512, fol., latine translata per Laur. Surium, Colon. 1555. 8.; after the earliest manuscripts and impressions, in the language of the present time, by Melch. Diepenbrock, with an Introduction by J. Görres, Ratisbon, 1829. 8. There are extracts from the Book of Eternal Wisdom in its original form in A. Jahn's *Lesefrüchte altdeutscher Theologie*, Bern. 1838, s. 1; and a fragment of the Book of Truth from a Berlin manuscript in v. d. Hagen's *Germania*, ii. 177.

<sup>20</sup> Published by Luther in 1516; by Joh. Arndt, in 1631; by Troxler, St. Gall. 1837; by Pfeiffers, 2d ed. 1855. According to Luther's Preface the author was a German gentleman, a priest, and warden in the German *Herren-Haus* at Frankfort; according to Jo. Wolf, *Lectt. Memorab.* i. 863, his name was Eblendus or Eblandus. A physician, Guil. Gratalorus, has been considered the author only from a misunderstanding of Beza, *Epist.* 46; and Tauler equally erroneously, for he is even quoted in Book 12. *Comp. Paccius Theatr. Anonym. et Pseudon.* p. 441. Waldau, *Thesaur. Bio- et Bibliogr.* p. 291. Ullmann's *Reformatoren vor der Reform.* ii. 233. [R. A. Vaughan, *Hours with Mystics.* 2. 8. Lond. 1856. German Theology, translated by Susanna Winkworth, with an Introduction by Bunsen. Lond. 1855, Andover, 1856.]

<sup>20</sup> With regard to him, see Dr. J. G. B. Engelhardt's *Richard v. St. Victor u. Joh. Ruysbroek*, Erlangen, 1838, s. 165. Ullmann's *Reformatoren vor der Reform.* ii. 36. Ch. Schmidt, *Études sur le Mysticisme Allem. au XIV<sup>e</sup> siècle*, p. 213. On his mysticism, de Wette's *christl. Sittenlehre*, II. ii. 237.—His works, composed by him in the Low German of Brabant, are only known by the paraphrased Latin translation of Laur. Surium (Colon. 1552, fol.), but they are still extant in their original language in nineteen MSS. of the royal library at Brussels (see Willems. in the *Belgisch Museum voor de nederduitsche Tael- en Letterkunde*, Gent, 1845, ii. 159). The translation of them into high German, which was made as early as the 14th century, and of which there are MSS. at Munich and Strasburg (see specimens in Engelhardt, s. 279, 347), is not quite faithful. More exact are the manuscripts in the dialect of the Lower Rhine, from which A. v. Arnswaldt has published four works by John Ruysbroek, with a preface by Ullmann, Hannover, 1848 (*Die Zierde der geistl. Hochzeit, Von dem funkelndem Steine, Von vier Versuchungen, and, Der Spiegel der Seligkeit*. To the edition of Rusbrochii Opp., lat. redd. per L. Surium, there is prefixed a *Vita Rusbrochii*, composed by a canon living soon after his time, the language of which, however, was altered by Surius. His life is full of asceticism and heavenly transports. For his mystical doctrine, nearly related to that of Eckart, he believed that he was indebted only to divine inspiration, and said to Gerard Groot, who visited him (*Lib. de Origine Monast. Viridis Vallis*, in the *Archief voor kerkel. Geschiedenis door Kist en Royaards*, viii. 362), *Magister Gerarde, sciatis veraciter quod nunquam verba in libris meis posui, nisi ex instinctu Spiritus sancti, or as another states, Nunquam in libris meis aliquid posui, nisi in praesentia S. Trinitatis* (similar statements in the *Vita Rusbrochii*, c. 8).

head-quarters were certain Dominican monasteries and nunneries.<sup>21</sup> At a time when all such unusual asceticism was regarded with general mistrust, the Friends of God gave especial offense by the spiritual influence which laymen enjoyed among them, and exercised even over priests, as well as by the revelations for which many of them were famous: they were, in consequence, not unfrequently suspected as Beghards. Nicolas of Basle was burned to death at Vienne, near Poitiers (after 1382),<sup>22</sup> and one of his disciples, Martin of Mayence, a Benedictine of Reichenau, at Cologne, in 1393.<sup>23</sup> At the same time nominalism, which was in-

<sup>21</sup> On the Dominicans in Cologne, Heinrich v. Löwen, Heinrich v. Cöln, Franke v. Cöln, Gerhard v. d. Sterngasse, and their works, chiefly extant only in MSS.; see Schmidt's *Joh. Tauler*, s. 24. On the Sisters, Christina Ebner, abbess of the monastery of Engelthal in Nuremberg, and Margaretha Ebner, nun in the Monastery of Maria Medingen in Dillingen (comp. note 17), *ibid.*, s. 15 and 21. There belonged, besides, to these Friends of God, Courad, a Benedictine in Weissenburg (two of his *Meditations* are contributed by Borman, in *Von d. Hagen's Germania*, ii. s. 169 f.), Conrad, abbot of Kaisersheim, and many lay persons (Schmidt, 303).

<sup>22</sup> Jo. Nider (Dominican prior in Basle about 1430), *Formicarius*, ed. Argent. 1517. 4. fol. 40, a: *Vivebat paulo ante* (Concil. Pisanum), *purus laicus, Nicolaus nomine. Hic in linea Rheni circa Basileam et infra primum velut Beghardus ambulans a multis, qui persequerentur haereticos, de eorundem haereticorum numero quasi unus habebatur suspectissimus. Acutissimus enim erat, et verbis errores coloratissime velare novit. Idcirco etiam manus inquisitorum dudum evaserat et multo tempore. Discipulos igitur quosdam in suam sectam collegit. Fuit enim professione et habitu de damnatis Beghardis unus, qui visiones et revelationes in praedicto damnato habitu multas habuit, quas infallibiles esse credidit. Se scire affirmabat audacter, quod Christus in eo esset actu, et ipse in Christo, et plura alia, quae omnia, captus tandem Viennae in Pictaviensi diocesi, inquisitus fatebatur publice. Sed cum Jacobum et Joannem, suspectos in fide et sibi consocios suos speciales discipulos, ad jussum Ecclesiae eum inquirenti nollet dimittere nisi per ignem, et repertus in multis a vera fide devius et impersuasibilis, saecularium potestati juste traditus est, qui eum incinerarunt.*

<sup>23</sup> The sentence against him in Schmidt's *Joh. Tauler*, s. 237. The doctrines which he is said to have preached publicly in Cologne, and for which he was condemned were: 1. quod judicialiter convicti et per Ecclesiam condemnati ac impenitentes haeretici, aliquando in Heidelberga concremati, fuerunt et sunt *amici Dei*: 2. quod solemne perjurium ad evadendum inquisitoris iudicium in iudicio factum non sit peccatum: 3. quod credere, peccata mortalia post confessionem ad memoriam redeuntia fore ex debito confitenda, sit haeticum: 4. quod Christus non ita poenaliter in cruce, in qua moriebatur, sustinuit, sicut in horto, ubi voluntatem suam patri submitit: 5. quod quidam laicus, nomine Nicolaus de Basilea, cui te funditus submitisti, clarius et perfectius evangelium quam aliqui Apostoli et b. Paulus hoc intellexerit: 6. quod per eundem Nicolaum Praelatis Ecclesiae virtus ministrandi sacramenta et exercendi quaecunque bona opera affluit: 7. quod si nullus in caritate in hoc mundo esset, tunc nullus Presbyter sacramenta conficere posset—(this is the logical result of such assertions, as that of Tauler with regard to the Friends of God, fol. 139, col. 1: "Diese seind, auf den die heilige christliche Kirch steht, und wären diese nit in der Christenheit, die Christenheit möcht nit bestehn):" 8. quod praedicto Nicolao ex perfectione submissionis sibi factae potes contra praecepta cujuscunque Praelati, etiam Papae, licite et sine peccato obedire: 9. quod ex jussione ejusdem Nicolai nullo modo etiam interficiendo hominem vel cognoscendo mulierem posses peccare: 10. quod per talem dimissionem Nicolao perfecto sine formis

creasing more and more, supplanted this realistic mysticism. Thus John Gerson attacked Ruysbroek's pantheistic tendency,<sup>24</sup> and, in contrast with it, advocated a mysticism which again made a close union with the prevailing scholasticism, to impart warmth to it while it received from it light.<sup>25</sup> But at the end of the four-

et imaginibus factam fuisti liberatus ab obedientia Ecclesiae, intrans statum primae innocentiae: 11. quod melius esset tibi, ut in fornicationem caderes et resurgens in tali submissione maneat, quam quod ab obedientia ejusdem Nicolai recederes et sine peccato permaneres: 12. quod per hoc quod contra prohibitionem Ecclesiae sine licentia praedicare, Missas celebrare, et sacramenta eucharistiae et poenitentiae ministrare praesumisti, non peccasti, ut asseris: 13. quod frequenter sine necessitate horas canonicas etiam illis diebus, quibus valebas,—te dicis sine peccato omisisse: 14. quod talis submitio, qua te submitisti praedicto laico, est ita ad perfectionem vecta, quod etiam, si Magister in theologia vellet perfici, oporteret eum omnem respectum ad literas et scripturam postponere, et tali ductori simpliciter in omnibus obedire: 15. quod perfectus homo non debet pro inferni liberatione ac caelestis regni collatione Deum orare, nec illi pro aliquo, quod Deus non est, servire, sed indifferens ejus beneplacitum expectare (Tauler, fol. 49, col. 4: "Wahre lauter Abgescheidenheit, daz ist daz sich der Mensch abkehre und abscheide von allem dem, das Gott nit lauter bloss ist," fol. 52, col. 1. "Stunde das Himmelrich vor dir offen, du solltest nit darein gehn, du solltest zu dem ersten wahrnehmen, ob es Gott also von dir haben wölt):" 16. quod in Evangeliiis et in oratione dominica non debet stare sic: *et ne nos inducas in temptationem*, quia negatio non ex Christi doctrina, sed ex alia quacunque negligentia.

<sup>24</sup> Jo. Gerson, Epist. ad Fr. Bartholom. Carthusiensem, super Tertia Parte Libri Jo. Ruysbroech, de Ornatu Spiritualium Nuptiarum, written in 1406 (Opp. ed. du Pin, i. 59). Gerson had received through Bartholomew a Latin translation of the work on the Ornaments of the Spiritual Bridal: he gives his opinion of it in general, comperi multa ibidem tradi salubria et alta documenta; but he objects to certain passages of the third book (c. 1-4 in Arnswaldt's edition, s. 138 ff.), because it was there taught, quod anima perfecte contemplant Deum non solum videt eum per claritatem, quae est divina essentia, sed est ipsamet claritas divina.—Imaginaturs enim,—quod anima tunc desinit esse in illa existentia quam prius habuit in proprio genere, et convertitur seu transformatur et absorbetur in esse divinum, etc. Gerson allows that Ruysbroek meant otherwise, but maintains that his words could be understood in no other sense. (From the whole connection of the work, it is plain that he can not have called him a Beghard, and the words on page 62: *Erat autem de secta Begardorum*, which have been thus understood, must be read: *Erant autem de s. B.* those, that is, quorum aliquos ipse auctor juste reprehendit.) Against Gerson, Joh. de Schoenhavia, canon of Grünthal, wrote an apology for Ruysbroek (ibid. p. 63), in which he endeavors to explain his representation of the union with God. He is not speaking of the—unio per identitatem realis existentiae, and not merely of the—unio solum per consensum et conformitatem voluntatis, but of the—unio per amorem liquefactivum, et excessum contemplationis ecstasicae, quae prae nimia suavitate et magnitudine interni dulcoris et vehementia amoris animam liquefacit et resolvit, et totam virtutem rationis absorbet. In his answer (l. c. p. 78), Gerson persists in maintaining that Ruysbroek's expressions were objectionable, and that John of Schönhofen, who tried to defend them, laid himself open to censure. Cf. Gerson, *De Mystica Theologia Speculativa*, c. 41: *De Erroribus circa Transformationem Animae in Deum* (Opp. iii. 894). Engelhardt's *Rich. v. St. Victor u. Joh. Ruysbroek*, s. 265.

<sup>25</sup> Gerson's mystical works are to be found in his *Opera*, ed. du Pin, t. iii. He broaches a theory of mystical theology in his *Considerationes de Myst. Theol.* ibid. p. 361. On its relation to speculative theology, see *Consid. i.*: *Aliqua est theologia mystica ultra eam, quae vel symbolica vel propria nominatur. Ita enim separate tractavit de ea sub proprio titulo b. Dionysius a consocio divinorum secretorum Paulo doctus. Cum enim*

teenth century a mysticism, characterized by practical benevolence, avoiding all speculation, was faithfully cherished in Gerard Groot's institutions,<sup>26</sup> and through them obtained a wide influence over the people of many German provinces.

### § 118.

#### HISTORY OF THE OTHER THEOLOGICAL SCIENCES.

Casuistry continued to be zealously studied: to the old textbook, the *Summa Raymundiana* (vol. 2, § 76, note 7), were now added those of the Minorite, Astesanus († 1330, *Summa Astesana*),<sup>1</sup> and of the Dominican, Bartholomew de St. Concordia in Pisa

scripsisset de *theologia symbolica*, quae utitur corporeis similitudinibus translatis ad Deum, ut quod est leo, lux, agnus, lapis et similia;—cum praeterea tradidisset *theologiam propriam*, per quam ex affectibus repertis in creaturis, praesertim perfectioribus, ad extra, consurgimus ad affirmandum aliqua de Deo, ut quod est ens et vita, a quo omnibus derivatum est esse et vivere: tandem addidit modum inveniendi Deum perfectiorem caeteris, quo per abnegationem et per excessus mentales tanquam in divina caligine videretur Deus, hoc est in occulto et in abscondito:—propterea hic liber intitulatur *de theologia mystica*: mysticum autem interpretatur absconditum.—Consid. ii.: Theologia mystica innititur ad sui doctrinam experientis habitus ad intra, in cordibus animarum devotarum: sicut alia duplex theologia ex his procedit, quae extrinsecus ostenduntur.—Consid. viii.:—Expedit, scholasticos viros etiam devotionis expertos in scripturis devotis theologiae mysticae diligenter exerceri, dummodo credant eis. Hoc ideo dicitur, primum, quia quis novit, si tandem ipsis ex familiari tali colloquutione aggenerabitur, ut solet, quidam amor et ardor experiendi ea, quae sola interim fide tenent, et quae docta ratiocinatione conferunt ad invicem.—Rursus alius fructus est pro illis, quos praedicatio sumpta ab hujusmodi doctrina poterit accendere ad amorem Dei jam praeconceptum, remanente etiam frigido pectore ejus, qui loquitur.—Denique compertum est, multos habere devotionem, sed non secundum scientiam, quales procul dubio pronissimi sunt ad errores, etiam supra indevotos, si non regulaverint affectus suos ad normam legis Christi, si praeterea capiti proprio, propriae scilicet prudentiae, inhaeserint, spreto aliorum consilio. Hoc in Begardis et Turelupinis manifestum fecit experientia.—Propterea necesse est pro argutione, aut directione talium esse viros studiosos in libris eorum, qui devotionem habuerunt secundum scientiam. Eos nihilominus commonitos velim, ne citius debito damnare praesumant personas devotas, simplices in suis affectibus admirandis, ubi nihil adversum vel fidei vel bonis moribus palam inveniunt; sed aut venerentur incognita sub silentio, suspensam tenentes sententiam, aut consilio peritiorum examinanda remittant. Peritiores autem sunt, quos utraque instructio reddit ornatos, una intellectus, et affectus altera, quales fuerunt Augustinus, Hugo, S. Thomas, Bonaventura, Guilielmus Parisiensis, et caeterorum admodum pauci; cujus raritatis causam inferius afferre conabimur. Comp. de Wette's Sittenlehre, ii. ii. 251. J. G. V. Engelhardti Comm. de Gersonio Mystico Partic. ii. Erlang. 1822. 23. 4. C. B. Hundeshagen über die Myst. Theologie des Joh. Charlier v. Gerson, in Illgen's Zeitschr. f. Hist. Theol. iv. i. 79. A. Liebner über Gerson's Myst. Theologie, in the Theol. Studien u. Kritiken, 1835, ii. 277. (Jourdain) Doctrina Jo. Gersonii de Theologia Mystica, Paris. 1838. Ch. Schmidt, Essai sur Jean Gerson, Strasbourg, 1839, p. 67.

<sup>26</sup> See above, § 115, note 9 ff.

<sup>1</sup> Printed nine times in the 15th century, Fabricii Bibl. Med. et Inf. Latin, i. 145. Compare Staudlin's Gesch. d. Christl. Moral seit d. Wiederaufleben d. Wissenschaft, s. 85.

(† 1347, Summa Bartholina, Pisanella or Magistruccia).<sup>2</sup> On the other hand, moral philosophy was studied only so far as it was discussed in the works on casuistry, mixed up with canon law and directions for pastoral prudence. For the development of the universal principles of morals little was done.<sup>3</sup> Moral philosophy was injured not only by being thus commingled with heterogeneous matters in the treatises on casuistry, but also by the bent of the schoolmen to display their subtilty in the development of reasons and counter-reasons, and to show the grounds of *probability* for hazardous opinions. The sad condition of moral philosophy was particularly manifested in the controversies which followed the murder of the Duke of Orleans, instigated by the Duke of Burgundy (23d November, 1407).<sup>4</sup> In order to justify the murder, the Franciscan, Johannes Parvus (Jean Petit, Doctor Theol. in Paris, † 1411), defended the murder of tyrants.<sup>5</sup> After that the house of Orleans had recovered the ascendancy, the Bishop of Paris did,

<sup>2</sup> Printed several times in the 15th century, Quetif et Echard Scriptt. Ord. Prædicat. i. 623. Fabric. l. c. p. 177.

<sup>3</sup> On Gerson's works on Morals (Opp. ed. du Pin, t. iii.), see Schröckh, xxxiv. 241. Stäudlin, u. s. s. 127. Marheinecke's Darstellung des Theol. Geistes der kirchlichen Verfassung in Beziehung auf die Moral des Mittelalters, Nurnberg u. Sulzbach 1806, s. 130.

<sup>4</sup> All the works belonging to this subject are collected in Gersonii Opp. ed. du Pin, t. v. The history of the events is taken from the Chronicle of Enguerrant de Monstrelet, *ibid.* p. 8 ss. Compare Marheinecke, in the work quoted above, s. 161.

<sup>5</sup> See his *Justificatio Ducis Burgundiae recitata d. 8 Mart. 1408, coram Rege*, l. c. p. 15. He comprises his opinion in *viii. veritates*: I. Omnis subditus et vasallus, qui—*machinatur contra salutem corporalem sui Regis*,—dignus est duplici morte, scil. prima et secunda. II. Plus puniendus est miles, quam simplex subditus in hoc casu, Baro quam simplex miles, etc. III. In casu supradicto licitum est cuilibet subdito sine quocunque mandato vel praecepto, secundum leges naturalem, moralem et divinam, occidere et facere occidi ipsum proditorem et infidelem tyrannum, et non modo licitum, sed honorabile ac meritorium, praecipue quando est adeo potens, quod justitia non potest bono modo fieri per superiorem. This he proves with twelve reasons, ob reverentiam XII. Apostolorum, to wit, with three authorities in theology, St. Thomas, John of Salisbury, and some others, with three in philosophy, Aristotle, Cicero, and Boccacio, with three proofs from civil laws, and three examples from Holy Writ. IV. In casu supradicto honorabilius est, magis licitum et meritorium, quod ipse infidelis tyrannus occidatur per unum consanguineum et subditum Regis, quam per extraneum, qui non esset de sanguine Regis; et per Ducem, quam per Comitem, etc. VII. In casu supradicto unicusque licitum est, honestum et meritorium occidere et facere occidi supradictum tyrannum per insidias, cautelas et explorationes, et etiam licitum est dissimulare et tacere suam voluntatem. Then he accuses the Duke of Orleans of having bewitched the king, and of administering poison to him, of carrying out a traitorous and arbitrary policy, and at last concludes, quod dictus dominus Burgundiae in nullo debet culpari, vel reargui de casu qui accidit in persona dicti criminosi defuncti Ducis Aurelianensis, et quod dominus Rex non solum debet contentari, sed etiam debet habere praefatum Dominum Burgundiae acceptum, et suum factum autorisare, quando opus est.



indeed, condemn that work (1414);<sup>6</sup> but when the Duke of Burgundy brought the matter before the council of Constance, it was shown that the hierarchy watched over the region of morality with far less care than over that of doctrine. While the active Gerson fought the cause of morality against the sophisms of the mendicants,<sup>7</sup> the council hazarded no decisive opinion. True, it condemned the doctrine that allowed the murder of tyrants, but not the work of Johannes Parvus;<sup>8</sup> and afterward declared the

<sup>6</sup> The documents are in l. c. p. 49-842. The *Sententia*, in which *novem assertiones* from the works of Johannes Parvus were condemned, may be seen p. 322 ss.

<sup>7</sup> Martin Porree, the Dominican Bishop of Arras, as plenipotentiary of the Duke of Burgundy, proposed (l. c. p. 358): *Sententia Episc. Parisiensis et Inquisitoris Franciae, quae de jure est nulla,—adnulletur: tam veritates Parvi, quam assertiones per Johannem de Gerssono eidem Parvo falso impositas, in sua probabilitate relinquendo. E. g. p. 360: dictae assertiones non sunt tanquam erroneae condemnandae, eo quod de earum possibilitate sine evidenti contradictione fidei, sacrae Scripturae et bonorum morum sunt opiniones graves magnorum Doctorum eas asserentium probabiles, ut praefertur, testimonio scripturarum naturalium, moralium et divinarum. Compare Scriptum Episc. Atrebatensis dd. 11th October, 1415 (ibid. p. 391): Si novem assertiones pertineant ad fidem, secundum intentionem Joannis Gersson, qua temeritate condemnavit eos Episcopus Parisiensis, cum sciret aut scire deberet, quod hujusmodi materiae fidei declaratio et definitio, ac novorum articulorum fidei ordinatio ad s. sedem apostolicam, aut sacrum Concilium generale [pertinere] dignoscitur?—Si vero non pertineant ad fidem, sicut nec pertinent de facto ante determinationem Ecclesiae; quare eas condemnavit, oppositas ipsarum mandando teneri sub fide? Numquid non haereticum est, mandare aliquid sub fide esse tenendum, quod non est fides? Gerson, on the other hand (ibid. p. 391): dico affirmative, quod haec novem assertiones exhibitae sunt iudicio fidei reprobandae per hoc sacrum Concilium, et quod jam nimis tardatum est. Then, in justification of the Bishop of Paris, he defended the maxim of the Sorbonne (p. 408), quod ad Episcopos catholicos pertinet, auctoritate inferiori et subordinata circa ea quae sunt fidei judicialiter definire (compare below, § 119, note 9).*

<sup>8</sup> Sessio gen. xv. d. 6 Jul. 1415 (in v. d. Hardt, Conc. Const. iv. 439): Synodus—nuper accepit, quod nonnullae assertiones erroneae in fide et bonis moribus—dogmatizatae sunt. Inter quas haec assertio delata est: *Quilibet tyrannus potest et debet licite et meritorie occidi per quemcunque vasallum suum vel subditum, etiam per insidias et blanditias vel adulationes, non obstante quocunque juramento seu confederatione facta cum eo, non expectata sententia vel mandato iudicis cujuscunque.* Adversus hunc errorem satagens haec sancta synodus insurgere,—declarat, decernit et definit, hujusmodi doctrinam erroneam esse in fide et moribus, ipsamque tanquam haereticam, scandalosam, seditiosam, et ad fraudes, deceptiones, mendacia, prodiones, perjuria vias dantem reprobat et condemnat. Declarat insuper,—quod pertinaciter doctrinam hanc perniciosissimam asserentes sunt haeretici, etc. But even this decree was wrung from them by the Emperor Sigismund; see Jo. Gersonii Dialog. Apologeticus (Opp. ii. 387), especially the letter of a companion of the Bishop of Arras to a friend in Paris on the proceeding, in Bulaei Hist. Univ. Paris. v. 293: Videns ipse Rex, quod non potuit obtinere conclusionem condemnationis dictarum IX. assertionum, ut volebat, licet sollicitaverit Iudices quantum potuit per ejus praesentiam in iudicio saepissime et per nuncios et literas, dixit, quod nunquam iret ad locum conventionis, videlicet Niciam, donec esset finis dicti processus. Et quod plus est, ipse exivit civitatem Constantiae per VIII. dies, et juravit publice, ut dicebatur communiter, quod non rediret nisi prius expedito dicto processu. Quare oportuit pro satisfaciendo sibi, quod quaedam alia propositio vocata *Quilibet tyrannus*—condemnata fuerit ad satisfaciendum dicto Regi, qui putabat, quod dicta propositio esset una de contentis

censure of the Bishop of Paris to be unjustifiable.<sup>9</sup> Soon after a work by the Dominican, John of Falckenberg,<sup>10</sup> which preached death and destruction against the Poles and their king, Jagello, was condemned by most of the members of the Council (1417);<sup>11</sup>

in propositione M. Jo. Parvi, et ita datum est sibi intelligi, et sub illo colore fuit condemnata ipso Rege praesente: unde gavius est et omnes adversarii, quod communiter dicebant ignorantem, quod propositio Parvi fuerat condemnata.—Sed Deo laus. Post recessum dicti Regis Ambaxiatores (Ducis Burgundiae) sunt securiores quam antea, et liberius tractaverunt materiam et processum cum bono consilio.—Speramus hic omnes habere bonum exitum et honorabilem in materia, quia totum Concilium vellet processum terminari ad bonam pacem et concordiam Ducis.—Et si non habeatur finis per concordiam, non ita cito habebitur per processum, quia adhuc sumus in principio, ut potestis considerare: quia restat adhuc probare intentionem circa libellum exhibitum, et examinare dictas propositiones hinc inde, quae non fient ita cito et sine magno discursu.

<sup>9</sup> *Judicium Deputatorum Concilii* dd. 15. January, 1416, in Gersonii Opp. v. 500.

<sup>10</sup> Before this time he had defended Johannes Parvus against Gerson and D'Ailly; see *Tres. Tractatus* in Gersonii Opp. v. 1013.

<sup>11</sup> Jo. Dlugoss (canon at Cracow, about 1465), *Hist. Polonica* ed. Francof. 1711, fol. lib. xi. p. 376: The Archbishop of Gnesna brought this work with him from Paris, in January, 1417, to Constance, and before the council immediately accused the author, Jo. Falkenberg, who was present in person, a *Cruciferis de Prussia pretio conductum*. Synodus sacra—praedictum libellum, ut falsum et erroneum, Joannem vero Falkenberg ejus auctorem, ut haeticum, per definitivam sententiam damnavit, et perpetuis deputavit carceribus. Et in condemnationis praefatae signum singuli Cardinales singillatim et omnes nationes sententiam praedictam manibus propriis subscriperunt. So the book was condemned, as is plain from the appeal of the Polish delegates, which was entered in the last session (v. d. Hardt, *Conc. Const. IV.*, 1555), per judices in causa fidei a s. Concilio deputatas, and it was—conclusum et ordinatum—by all the nations and the college of Cardinals, quod idem libellus, tanquam haereses et alia multa et quasi infinita mala et errores continens, in sessione publica per sacrosanctum concilium—publice damnaretur, seu publice damnatus nunciaretur. But even this solemn condemnation could not be maintained by Martin V., who was elected in November, 1417. Dlugossus, p. 386: Martinus P. V. prece incertum est an importunitate Cruciferorum de Prussia circumventus, sententiam damnationis Jo. Falkenberg—infirmare et moderari contendit,—quamvis, existens Cardinalis, se ei manu propria subscriperit. Of the contents of Falkenberg's book only a part is preserved, in the sentence of condemnation, drawn up by the Council's Commission on the Faith, and in its name 4th June, 1417 (in Dlugossus, p. 387). It had for its title: *Satyra contra haereses et caetera nefanda Polonorum et eorum Regis Jagyel fideliter conscripta*, and was dedicated—universis Regibus et Principibus: caeterisque Praelatis sive Ecclesiasticis sive saecularibus, et generaliter omnibus, qui Christiani nominis meruerunt insigniri titulo. Positions extracted: quod Rex Polonorum, cum sit malus praesidens, est idolum, et omnes Poloni sunt idololatrae, et serviunt idolo suo Jagyel. Item dicit, quod Poloni, et eorum Rex sunt odibiles, haetici, et impudici canes, reversi ad vomitum suae infidelitatis. Et ergo securissime omnes, non solum Principes saeculi, verum etiam inferiores, qui ad Polonorum et eorum Regis exterminationem se accinxerint ex caritate, vitam merentur aeternam. Item dicit, quod indubie Polonos et eorum Regem propter periculum, quod ab eis timetur Ecclesiae futurum, etiam antequam dissidium faciant, caeteris paribus, magis meritorium est occidere quam paganos. Item dicit, quod omni submoto dubio, belli certamine, quo pro defensione Christianorum suscepto Principes saeculi Polonos et eorum Regem occidunt, regna merentur caelestia.—Item dicit, quod ex Principibus saeculi, qui sunt idonei et ratione et potestate Polonos et eorum Regem Jagyel reprimere, et permittunt eum in Christianos debacchari, supplicia merentur gehennae, etc.

but the Pope, incumbered by regard for the interests of the German Order, and the powerful Duke of Burgundy, would neither have this book solemnly condemned nor decide upon the work of Johannes Parvus. So the mendicants ventured still to maintain the *probability* of those seditious maxims.<sup>12</sup>

The theologians of this period studied the Holy Scriptures even less than did those of the previous centuries. The institution of professors of the Oriental languages, ordered by Clement V. in 1311,<sup>13</sup> was only meant for the education of missionaries, and had no effect in advancing the interpretation of Scripture. The biblical commentaries of this period are, for the most part, like those of the foregoing centuries, without any scientific value. The Franciscan, Nicolas of Lyra (teacher of theology in Paris, † 1340, *Postillator*),<sup>14</sup> by his knowledge of the Hebrew language, render-

<sup>12</sup> They tried especially to prove, by sophisms, that the IX. *assertiones* (note 6) had nothing in common with the principle already condemned, viz. :—*Quilibet tyrannus* : see the numerous controversial treatises in Gersonii Opp. t. v. For example, Responsio Episc. Atrebatensis, ibid. p. 475 : credo et affirmo, quod nulla dictarum novem *assertionum* est fidei iudicio reprobanda, nec aliqua illarum est condemnanda ex condemnatione illius propositionis, *Quilibet tyrannus* : cum nullo modo sequatur ex aliqua illarum novem *assertionum*, sed non ex omnibus simul, nec continent doctrinaliter illam vel virtualiter, nec in simili radice fundantur, quod patet. Non enim sequitur : *Licetum est unicuique subdito, occidere vel occidi facere quemlibet tyrannum, qui per cupiditatem, fraudem, sortilegium, etc. Ergo quilibet tyrannus, etc.* Tum quia ibi arguitur a parte in modo, ad suum totum in modo, cum distributione :—tum quia ad mentem *assertionum* a parte subjecti, ly *unicuique subdito* capitur pro vasallo immediate Regi subdito : et in illa *Quilibet tyrannus* capitur pro quocunque, etiam subdito tyranno, sive subjecto, and so forth. Thence he infers at last, quod hanc doctrinam asserentes opinabiliter, citra determinationem sacri Concilii generalis, et s. sedis apostolicæ, non sunt hæretici ;—quod asserere—dictas Propositiones esse probabiles, aut forsân veras, non est erroneum, etc.

<sup>13</sup> At the instigation of Raymund Lullus, who labored much for the conversion of the Mohammedans, Clementin. lib. v. tit. i. c. 1 : scholas in subscriptarum linguarum generibus, ubicunque Romanam curiam residere contigerit, necnon in Parisiensi et Oxon., Bonon. et Salamantino studiis providimus erigendas, statuentes, ut in quolibet locorum ipsorum teneantur viri catholici, sufficientem habentes Hebraicæ, Arabicæ et Chaldaicæ linguarum notitiam, duo videlicet uniuscujusque linguae periti, qui scholas regant inibi, et libros de linguis ipsis in latinum fideliter transferentes, alios linguas ipsas sollicitè doceant,—ut instructi et edocti sufficienter in linguis hujusmodi, fructum speratum possint Deo auctore producere, fidem propagaturi salubriter in ipsos populos infideles.

<sup>14</sup> Concerning him, Wolfii Biblioth. Hebr. i. 912, iii. 838. G. W. Meyer's *Gesch. d. Schrifterklärung seit d. Wiederherstell. d. Wissenschaften* (Göttingen, 1802), i. 109. His principal work, *Postillæ perpetuæ in Biblia*, was first published at Rome, 1471, 5 voll. fol. : the best edition is, cura Fr. Feuarentii, Jo. Dadrei et Jac. de Cuiilly, Lugd. 1690, also in the *Biblia Glossata*. There is an essay prefixed, *De Libris Biblicæ canonicis et non canonicis*. Quia sunt multi, qui ex eo quod non multum operam dant sacrae Scripturae, existimant, omnes libros qui in Biblia continentur, pari veneratione esse reverendos atque adorandos, nescientes distinguere inter libros canonicos et non canonicos, quos Hebraei inter apocrypha computant, unde saepe coram doctis ridiculi videntur, et perturbantur scandalizanturque, cum audiunt, aliquem non pari cum caeteris omnibus

ed unusual service in the grammatical interpretation of the Old Testament.

veneratione persequi aliquid, quod in Biblia legatur : idcirco id distinximus, et distincte numeravimus, primo libros canonicos, et postea non canonicos, inter quos tantum distat, quantum inter certum et dubium. Nam canonici sunt confecti spiritu sancto dictante : non canonici autem sive apocryphi nescitur, quo tempore quibusve auctoribus sint editi, etc. He then enumerates the canonical and apocryphal books of the Old Testament, according to Jerome, and determines their relation to each other according to him and Rufinus. Prologus i. *de commendatione sacrae Scripturae in generali*. e. g. on the manifold sense : Habet tamen iste liber hoc speciale, quod una litera continet plures sensus. Cujus ratio est, quia principalis hujus libri auctor est ipse Deus, in cujus potestate est non solum uti vocibus ad aliquid significandum,—sed etiam rebus significatis per voces utitur ad significandum alias res. The fourfold sense is described in the lines :

*Litera gesta docet, quid credas allegoria,  
Moralis quid agas, quo tendas anagogia.*

Prologus ii. *de intentione auctoris et modo procedendi* : Omnes expositiones mysticae praesupponunt sensum literalem tanquam fundamentum : propter quod sicut aedificium declinans a fundamento disponitur ad ruinam, sic expositio mystica discrepans a sensu literali reputanda est indocens et inepta, vel saltem minus decens caeteris paribus, et minus apta. Et ideo volentibus proficere in studio sacrae Scripturae necessarium est incipere ab intellectu sensus literalis : maxime cum ex solo sensu literali et non ex mysticis possit argumentum fieri ad probationem vel declarationem alicujus dubii, secundum quod dicit Augustinus in Epist. contra Vincent. Donatistam. Uterius considerandum, quod sensus literalis—videtur multum obfuscatus diebus modernis, partim scriptorum vitio, qui propter similitudinem literarum in multis locis aliter scripserunt, quam habeat veritas textus, partim imperitia aliquorum correctorum, qui in pluribus locis fecerunt puncta ubi non debent fieri, et versus inceperunt vel terminaverunt ubi non debent incipi et terminari, et per hoc sententia literae variatur,—partim ex modo translationis nostrae, quae in multis locis aliter habet quam libri hebraici : et tamen secundum Hieronymum—pro veritate literae habenda in scriptura veteris testamenti recurrendum est ad codices Hebraeorum.—Sciendum etiam, quod sensus literalis est multum obumbratus propter modum exponendi communiter traditum ab aliis, qui licet multa bona dixerint, tamen parum tetigerunt literalem sensum, et sensus mysticos in tantum multiplicaverunt, quod sensus literalis inter tot expositiones mysticas interceptus, partim suffocatur. Item textum in tot particulas diviserunt, et tot concordantias ad suum propositum induxerunt, quod intellectum et memoriam in parte confundunt, ab intellectu literalis sensus animum distrahentes. Haec igitur et similia vitare proponens cum Dei adjutorio intendo circa literalem sensum insistere, et paucas valde et breves expositiones mysticas aliquando interponere, licet raro. Similiter intendo non solum dicta doctorum catholicorum, sed etiam hebraicorum, maxime Rabbi Salomonis (Jarchi or Raschi, see vol. 2, § 76, note 9), qui inter doctores hebraeos locutus est rationabilius, ad declarationem sensus literalis inducere.—Postremo quia non sum ita peritus in lingua hebraica vel latina, quin in multis possim deficere ; ideo protestor, quod nihil intendo dicere assertive seu determinative, nisi quantum ad ea, quae manifeste determinata sunt per sacram Scripturam vel Ecclesiae auctoritatem ; caetera vero omnia accipiantur tanquam scholasticae et per modum exercitii dicta : propter quod omnia dicta et dicenda suppono correctioni sanctae matris Ecclesiae, ac cujuslibet sapientis, pium lectorum et caritativum flagitans correctorem.

## FIFTH CHAPTER.

## HISTORY OF RELIGION AMONG THE PEOPLE.

## § 119.

Two new festivals were dedicated to the highly-honored Mary, the festival of the Presentation of Mary, *festum Praesentationis*, on 21st of November, by Gregory XI. in 1372,<sup>1</sup> and the festival of the Visitation of Mary, *festum Visitationis*, on the 2d of July, by Urban VI. in 1389.<sup>2</sup> The Dominicans, indeed, earnestly impugned the doctrine of the immaculate conception of Mary. To the revelations which St. Brigitta had received in favor of this doctrine,<sup>3</sup> they opposed those of St. Catharine of Siena, a sister of their own order, against it.<sup>4</sup> Nevertheless, this doctrine continued to spread, together with the feast of the Conception.<sup>5</sup> The Fran-

<sup>1</sup> J. A. Schmidii Prolusiones Marianae, x. (cum praef. J. L. Moshemii. Helmst. 1733. 4), p. 100 ss. Augusti's Denkwürdigkeiten, iii. 107.

<sup>2</sup> Schmid, l. c. p. 111. Augusti, in the work quoted above, s. 88.

<sup>3</sup> Concerning Brigitta, see above, § 114, note 4. Brigittae Revelationes, lib. v.; at the end, God the Father gives revelations about Mary: De radice Adae processit, et de peccatoribus nata est, licet sine peccato concepta, ut Filius meus de ea sine peccato nasceretur. Lib. vi. c. 49, Mary says: Veritas est, quod ego concepta fui sine peccato originali, et non in peccato; and, cap. 25, she says: Scito quod conceptio mea non omnibus nota fuit.—Placuit Deo, quod amici sui pie dubitarent de conceptione mea, et quilibet ostenderet zelum suum, donec veritas claresceret in tempore praeordinato.

<sup>4</sup> Concerning her, see above, § 104, note 6. In the Orationes xxii. ab ipsa in raptu et extasi ad Deum prolatae, et a sibi assistentibus familiaribus exceptae latinitatque donatae, is the following passage, Orat. xvi. (the passage is wanting in the edition of her works, Colon. 1558, but is quoted as early as Antoninus, in his *Summa*, p. 1, t. 8, c. 2): Datum est nobis Verbum aeternum per manum Mariae, et de substantia Mariae induit naturam absque peccati originalis macula, et hoc, quia non hominis, sed Spiritus sancti inspiratione facta est illa conceptio. Quod quidem non fuit sic in Maria, quia non processit ex massa Adae operatione Spiritus sancti, sed hominis: et quia tota illa massa erat putrida, non poterat nisi in putridam naturam anima illa infundi, nec poterat purgari, nisi per gratiam Spiritus sancti, cujus quidem gratiae non est subjectum susceptibile corpus, sed spiritus rationalis aut intellectualis, et ideo non poterat Maria a macula illa purgari, nisi postquam anima infusa est corpori, quod quidem sic factum est propter reverentiam thesauri divini, qui in illo vase debebat reponi. Nam sicut fornax consumit guttam aquae in modico tempore, sic facit Spiritus sanctus de macula peccati originalis: nam post conceptionem ejus statim fuit ab illo peccato mundata, et gratia magna data. Tu scis, domine, quia ista est veritas. Compare, on these prophecies of both saints, Wadding, *Legatio Philippi III. et IV. ad Paulum P. V. et Gregorium XV.*, de *Definienda Controv. Immaculatae Concept. B. Virg. Mariae*, Lovan. 1624, fol. p. 342 ss.

<sup>5</sup> Not even yet always called the Feast of the Immaculate Conception; compare vol. 2, § 78, note 16, and Thomas's opinion thereupon, *ibid*, note 18. The Archbishop of Canterbury decreed at the Conc. Londin. ann. 1328, c. 2 (*Mansi xxv. 829*), that for the future the festival of the Conception of the blessed Virgin should be kept *festive et solemniter* throughout his province. In the year 1343, Baldwin, bishop of Paderborn, in-

ciscans, who were at first divided in their opinion upon this question,<sup>6</sup> were more and more led to decide in favor of it by the violence with which the Dominicans assailed the immaculate conception of Mary, and Duns Scotus, its first champion. The Dominicans, also, when they began in Paris, from the year 1384, to impugn this doctrine more vehemently,<sup>7</sup> roused the people as well as the university against themselves. In the year 1387, together with several other maxims of the Dominican, John of Montesono, the university condemned also the decisive rejection of this doctrine.<sup>8</sup> Montesono, indeed, appealed to the Pope;<sup>9</sup> but the uni-

duced it into his diocese (Schaten Annales Paderborn. l. xiii. p. 803). The Gallic Nation in the university of Paris, 1380, determined, quod amodo celebraretur festum conceptionis gloriosae V. M. eodem modo, quo et alia festa solent celebrari (Bulaeus, Hist. Univ. Paris. iv. 964). [Cf. C. Passaglia, De Immaculato Deiparae semper Virginis Conceptu Comment. tom. i-iii. Rem. 1855. Sylloge Monumentorum, ed. Ant. Ballerini, Rom. 1855. Arnold's Theol. Critic, 1851. Christian Remembrancer, April, 1852.]

<sup>6</sup> The Franciscan Alvarus Pelagius († after 1340, see § 99, note 18), De Planctu Ecclesiae, lib. ii. c. 52, declares himself still, as the Franciscans of the 13th century had done (see vol. 2, § 78, note 17), with a reference to Augustine and Bernard, against this doctrine, licet quidam novi theologi a sensu Ecclesiae recedentes communi, tenere contra, indevoti revera dominae, ei tamen devoti cupientes apparere, nitantur, eam quodammodo sic Deo et suo Filio comparantes: quorum *nova opinio et phantastica sit a fidelibus cancellata, quia sanctificationem Virginis negat, contra id quod tenet Ecclesia, ipsam—antea—sanctificatam in utero, quam natam extra uterum.*

<sup>7</sup> Bulaeus, iv. 599.

<sup>8</sup> On the whole controversy, see Chronic. Caroli VI. lib. viii. c. 8, and lib. ix. c. 16 (Chronique du Religieux de S. Denys, publiée par L. Bellaguet, Paris, 1839, 4. i. 490, 576). Bulaeus, iv. 618, especially d'Argentré Collectio Judiciorum, I. ii. 61. The offensive propositions, together with the censures of the theological faculty, may be seen in d'Argentré, p. 62: Propositio X.: Non omnes praeter Christum contraxisse ab Adam peccatum originale est expresse contra fidem. The Censure: *Revocanda est tanquam falsa, scandalosa et piarum aurium offensiva, et praesumptuose asserta, non obstante probabilitate quaestionis, utrum b. Virgo fuerit in peccato originali concepta.* Prop. XI.: B. Virginem Mariam et Dei genitricem non contraxisse peccatum originale, est expresse contra fidem. Prop. XII.: Tantum est contra sacram Scripturam, unum hominem esse exemptum a peccato originali praeter Christum, sicut si decem homines de facto ponentur exempti. Prop. XIII. Magis est expresse contra sacram Scripturam, b. Virginem non esse conceptam in peccato originali, quam asserere ipsam fuisse simul beatam et virginem ab instanti suae conceptionis vel sanctificationis. These positions were all censured as *Revocandae tanquam falsae, scandalosae, praesumptuose assertae, et piarum aurium offensivae.*

<sup>9</sup> He complained, as is plain from the work published against him by Petrus d'Alliaco (d'Argentré I. ii. 82, 1), quia aliquae conclusionum suarum trahuntur ex doctrina S. Thomae; 2) quod dominus Episcopus (Parisiensis), apponens falcem in messem summi Pontificis, dictas conclusiones pronunciavit et decrevit falsas, haereticas et erroneas: et causam subdit ibidem, quia ista, quae tangunt fidem, sunt de majoribus Ecclesiae causis, et quae ad solum summum Pontificem pro examinatione et decisione deferri debent. The university sent four delegates to the Pope, among whom Petrus d'Alliaco was the most eminent: See his Sermones et Propositiones in Consistorio, l. c. p. 66. With reference to the first charge of the Dominicans, the university had already declared in a *letter ad universos Christifideles*, dd. 14th February, 1388 (l. c. p. 65), quatenus S. Thomae

versity prevailed at Avignon (January, 1389), forced several Dominicans to recant offensive expressions against this doctrine,<sup>10</sup> and required of all who took academical degrees assent to the decision it had pronounced in this matter.<sup>11</sup> Although this decision was, in the first place, only directed against the peremptory rejection of the doctrine, still it soon assumed the character of a positive declaration in favor of it.<sup>12</sup> The influence of the university of Paris gave the doctrine decided ascendancy in the Church.

This period was full as rich as the previous one in new saints,<sup>13</sup> relics,<sup>14</sup> and other sacred things,<sup>15</sup> as well as in miracles,<sup>16</sup> and

doctrinam in dicta nostra condemnatione nequaquam reprobamus. The condemnation only referred to the words *est expresse contra fidem* (l. c. p. 107): licet (S. Thomas) dicat, quod fuit concepta in originali, tamen nec ibi, nec alibi dicit, quod oppositum dicere sit expresse—contra fidem.—Licetum est in hac materia probabiliter loqui, et istam partem tenere, vel etiam circa utrumque dubitare ut supponitur: sed non licet sic probabiliter loqui vel dubitare de aliquo, quod est expresse contra fidem, etc. With reference to the second charge, d'Alliaco defended the position (l. c. p. 76): Ad s. sedem apostolicam pertinet auctoritate judiciali suprema circa ea quae sunt fidei judicialiter definire. Ad Episcopos catholicos pertinet auctoritate inferiori et subordinata circa ea quae sunt fidei judicialiter definire. Ad Doctores theologos pertinet determinatione doctrinali et scholastica circa ea quae sunt fidei doctrinaliter definire.

<sup>10</sup> Compare the originals in Bulaeus, iv. 633, 638, and in d'Argentré, I. ii. 132. How far the Dominicans had advanced in their violence is shown in the expressions which they were now obliged to recall. Thus Fr. Richard (d'Argentré, p. 136): Elle fut souillée, touillée et brouillée au ventre de sa mère.—Nemplus que vous ne pourriez bouter vostre main en ung grand plain pot de gresse (vermilliou) sans la souiller, nemplus ne fut la Vierge Marie engendrée sans souilleure.—Fr. Adam de Soissons, in a sermon (Bulaeus, iv. 639): Se la Vierge Marie fust trespassee devant la mort et passion de son glorieux fils,—elle fust descendue en Enfer, pourcequ'elle avoit esté conceue en peché originel. He confessed that he added, qui je affermois sous la damnation de mon ame, et que en icelle foy je voudrois vivre et mourir. Fr. Joannes Ade (ibid. 641), quod festum Conceptionis b. et gloriosae Virginis Mariae, non erat solemnizandum nec colendum, et qui coleret dictum festum, male faceret plus quam bene. Item praedicando ad populum increpavi illos, qui in laudem Virginis Mariae tenebant, eam non fuisse in Originali peccato conceptam, impropere eis et dicendo: *En volés-vous faire une Déesse ?* and so on.

<sup>11</sup> See Gersonius, Pro Reconciliatione Dominicanorum, ann. 1403 (Bulaeus, v. 83): conclusum erat, ut omnis gradus et honoris in Universitate expers fieret, quisquis non juraret tenere condemnationem super erroribus praedictis ab Universitate prius, deinde ab Episcopo Paris. factam. Distulerunt hoc agere Baccalarii e fratribus praedictis tunc excipiendi, causantes a Superioribus suis licentiam ad hujusmodi praestationem juramenti necdum petiisse vel habuisse. Ex hac origine neque gradus, neque cathedram, neque sermones posterius adepti sunt. The restoration of the Dominicans to the university was not effected till 1403; see the Instrumentum in d'Argentré, l. c. p. 148.

<sup>12</sup> Jo. Gerson, Sermo de Conceptione b. Mariae Virginis, A.D. 1401; see above, § 116, note 7.

<sup>13</sup> Shrockh, xxxiii. 417.

<sup>14</sup> On the numerous, and in some respects very singular, relics which the Emperor Charles IV. collected at Prague, see Hagek's böhm. Chronik. s. 577, 593, 868 ff. Pelzel's Kaiser Karl der Vierte, i. 277. Henricus de Hassia (s. de Langenstein, Carthusian, Professor of Theology in Vienna, † 1428), Secreta Sacerdotum, Lips. 1498. 4. fol. B. ii.

new festivals;<sup>17</sup> masses, almost the sole portion of divine service, were multiplied in the most extravagant manner by the self-interest of priests.<sup>18</sup> The spiritual worship of God was swallowed

verso : Vidi quosdam sacerdotes etiam magnatos in solemnitatibus homines offerentes cum reliquiis signare et oscula praeberere : audivi etiam magnas indulgentias de eisdem pronunciare, pro quibus nunquam viderunt vel audiverunt aliquam chartam Papae aut Dioecessani : dicunt esse reliquias alicujus Sancti, et forte est os alicujus asini vel dam-nati.

<sup>15</sup> On the holy blood at Wilsnack in Priegnitz, which from 1383 attracted remarkable pilgrimages, see Detmar's Chronik, herausg. v. Grautoff, i. 325. Historia v. d. Erfindung, Wunderwerken u. Zerstörung des vermeinten heil. Bluts zur Wilsnack, durch Matthäum Ludecum, der Stiftskirchen zu Havelberg Decanum, Wittenberg, 1586. 4. (Here also is the story of the discovery by the Dean of Havelberg at that time.) Beckmann's Beschreibung der Mark, ii. 310. Buchholz, Gesch. der Kurmark Brandenburg, ii. 593.—A Low Dutch work of the year 1374 enumerates the sacred relics in Rome and their indulgences ; Van den Afdate van Rome, in Kist en Roijaards Archief voor kerke-lijke Geschiedenis, vi. 303.

<sup>16</sup> Nicolaus Lyranus in Daniel. xiv. 22 (where he is speaking of the priest's deception with the dragons in Babel : Et similiter aliquando fit in Ecclesia maxima deceptio populi in miraculis fictis a sacerdotibus vel eis adhaerentibus propter lucrum temporale.

<sup>17</sup> Besides the two Marian festivals (above, note 1 and 2), the *Festum S. Trinitatis*, which had been before observed here and there at different times, was now by John XXII. ordered to be universally kept upon the Sunday after Whitsuntide, Baluz PP. Aven. i. 177, cf. Not. p. 793. The *Festum s. Lanceae et Clavorum* was ordained by Innocent VI., in 1354, at the request of Charles IV., for Germany and Bohemia, on the Friday after *Quasimodogeniti*, cf. J. II. a Seelen Miscellanea, i. 339. The bull of institution, *ibid.* p. 394. Compare the list of festival days on which no work was to be done, put forth by Simon, archbishop of Canterbury, in Conc. Magfeldense, ann. 1362 (Mansi xxvi. 417) : In primis sacrum diem Dominicum ab hora diei sabbati vespertina inchoandum, non ante horam ipsam praeveniendum, ne Judaicae professionis participes videamur, quod in festis, quae suas habent vigiliis, observetur : item festa Natalis Domini, ss. Stephani, Joannis, Innocentium, Thomae martyris ; Circumcisionis, Epiphaniae Domini, Purificationis b. Mariae, s. Matthiae Apostoli, Annunciationis s. Mariae, s. Parasceues, Paschae cum tribus diebus sequentibus, s. Marci Evangelistae, Apostolorum Philippi et Jacobi, Inventionis s. Crucis, Ascensionis Domini, Pentacostes cum tribus diebus sequentibus, Corporis Christi, Nativitatis s. Joannis Baptistae, Apostolorum Petri et Pauli, Translationis s. Thomae, s. Mariae Magdalenaе, s. Jacobi, Assumptionis s. Mariae, b. Bartholomaei, s. Laurentii, Nativitatis s. Mariae, Exaltationis s. Crucis, s. Matthaei Apostoli, s. Michaelis, s. Lucae Evangelistae, Apostolorum Simonis et Judae, Omnium Sanctorum, s. Andreae Apostoli, s. Nicolai, Conceptionis b. Mariae, s. Thomae Apostoli, Dedicatum Ecclesiarum parochialium et Sanctorum, in quorum honore Ecclesiae parochiales dedicantur : aliaque festa quae in singulis dictae provinciae dioecsesibus per locorum Ordinarios ex certa scientia peculiariter indicuntur. And in this catalogue many of the festivals previously kept were omitted, as the Archbishop himself declares : quod ad devotionis parabat compendium, in dissolutionis erigitur cumulum, dum in ipsis festivitatibus colitur taberna potius quam Ecclesia, comessationes abundant et ebrietates uberius quam lacrymae et orationes, lasciviis insistitur et contumeliis magis quam otio contemplationis :—tamquam solemnitates ipsae ad profanationis et perversitatis exercitium gratis fuerint institutae : quae quanto magis protenduntur in numero, tanto abundantius cultores abusio-nem hujusmodi in suis excessibus insolescunt.

<sup>18</sup> Alvarus Pelagius, De Planctu Eccl. lib. ii. c. 5 : Nostra autem Ecclesia plena et superplena est altaribus, Missis et sacrificiis, sed cum hoc plena in sacrificantibus homicidiis, sacrilegiis, et immunditiis et simoniis, et aliis sceleribus, excommunicationibus, et irregularitatibus usque ad summum.—Tot enim hodie dicuntur Missae quasi quae-



up in such a service as appealed to the senses,<sup>19</sup> just as the laws of God were thrown into the shade by the excess of ecclesiastical laws.<sup>20</sup>

The pious brotherhoods, especially the Marian fraternities, increased in great numbers,<sup>21</sup> and notwithstanding all that was mechanical in their religion, promoted brotherly love and respect. The Mysteries,<sup>22</sup> greatly multiplied as they were at the same time, and conducted for the most part by fraternities, served to impress sacred history and doctrine upon the senses of the people.

The nervous excitements shown in the *dancing mania*,<sup>23</sup> which

tuariac, vel consuetudinariac, vel ad complacentiam, vel ad scelera cooperiendaa, vel propriam justificationem, quod apud populum vel clerum sacrosanctum corpus Domini jam vilescit.—Unde et almus Franciscus voluit, quod in quocunq; loco Fratrea contenti essent una Missa, praesciens, Fratres se velle justificare per Missas, et ad quaestum eas reducere, sicut videmus hodie fieri: unde et dicebat, quod una Missa caelum et terram implebat. Cap. 27: Et jam consuetudine vel potius corruptela—inolevit, quod Missa taxata tribus vel quatuor denariis vel uno solido venditur et emitur a populo caeco et Presbyteris simoniacis sceleratis.

<sup>19</sup> The physician Arnaldus de Villa Nova was condemned at Tarragona for heresies in the year 1317 (Nic. Eymerici Directorium Inquisitorum, p. ii. qu. xi.). Among these was reckoned the apt remark, quod Diabolus ingeniose fecit totum populum christianum deviare a veritate Domini nostri Jesu Christi; sicque suxit et evacuavit populum christianum, quod non dimisit in eo nisi pellem, i. e. apparentiam cultus ecclesiastici, quem fecit ex usu: et fides, quam habet, est talis, qualis est fides Daemonum (Jac. 2, 19). Petri de Alliaco de Reformatione in Conc. Constant. c. 3 (in Gersonii Opp. ed du Pin, il. 911): Quia Praelatis de divino cultu specialis cura esse debet, circa hujusmodi reformationem, quae necessaria est, providendum esset, ut in divino scriptio non tam onerosa prolixitas, quam devota et integra brevitatis servaretur; ut in Ecclesiis non tam magna imaginum et picturarum varietas multiplicaretur; ut non tot nova festa solennizarentur; ut non tot novae Ecclesiae aedificarentur; ut non tot novi Sancti canonizarentur; ut, praeterquam diebus Dominicis, et in majoribus festis ab Ecclesia instituta, liceret operari post auditum Officium: cum quia in festis saepe magis multiplicantur peccata in tabernis, in choreis, et aliis lasciviis, quas docet otiositas; tum quia dies operabiles vix sufficiunt pauperibus ad vitae necessaria procuranda. Cf. Nicolaus de Clamengis, De Novis Celebritatibus non Instituendis in Opp. ed. Lydii, p. 143 ss. Henricus de Hassia also recommended (see Gerson, De Probatione Spirituum in Opp. i. 40): comprimendam esse tot hominum canonizationem.

<sup>20</sup> Jo. Gerson, De Vita Spirituali Animae, Lect. iv. Coroll. xi. (Opp. ed. du Pin, iii. 44): Subditi simplices et timorati quando tot traditionibus intendere compelluntur a superioribus suis, quid mirum si minus capaces redduntur divinarum praeceptorum, quia et minus in eis edocentur? Numquid non acerrimo supplicio aut acerbissima obijurgatione punietur aliquis quandoque pro parvula inobedientia legis humanae, et absque omni reprehensione peccare quotidie contra legem Dei enormiter permitteretur? Non habemus necesse exemplis immorari, crebriora cernimus quam vellemus.

<sup>21</sup> Wilda's *Gildenwesen im Mittelalter*, s. 345. K. F. Kloden zur *Gesch. d. Marienverehrung in d. Mark u. Lausitz*, Berlin, 1840, s. 64.

<sup>22</sup> See vol. ii. § 81, note 5. On the *Mystère de la Passion*, for the representation of which Charles VI. authorized a *Confrérie de la Passion*, 1402, see Onesime Leroy *Hist. Comparée du Théâtre et des Moeurs en France*, Paris, 1844, p. 195. On the *Mystères de Notre-Dame*, l. c. p. 134, compare W. Wachsmuth's *Europ. Sittengeschichte*, iv. 213.

<sup>23</sup> Förstemann's *Christl. Geisslergesellschaften*, s. 224. Dr. I. F. C. Hecker, *die Tanz-*

made its appearance on the Rhine, and in the Netherlands in the year 1374,<sup>24</sup> and afterward reappeared at Strasburg in 1418,<sup>25</sup> and which, in the second half of the fourteenth century, was revived in Italy, particularly in Apulia, in the form of *Tarantism*,<sup>26</sup> were among the results of these appeals of religion and divine service to man's sensuous nature.

wuth, eine Volkskrankheit im Mittelalter, Berlin, 1832. Dr. E. C. Wicke's Monographie des grossen Veitstanzes, Leipzig, 1844.

<sup>24</sup> Radulphi de Rivo (Decani Tongrensis, † 1403) Gesta Pontiff. Leodiensium, c. 9 (in Chapeville, Gesta Pontiff. Leod. iii. 19): Anno 1374, mense Julio—admirabilis hominum secta ex superioribus Germaniae partibus primo Aquisgranum, inde Trajectum, et tandem circa mensem Septembrem Leodium advenit. Horum tale erat institutum. Utriusque sexus homines a Daemonibus possessi seminudi sertis capita cingebant, choreas non in plateis tantum sed et in Ecclesiis et domibus absque ullo pudore ducebant, nomina Daemonum hactenus inaudita in carminibus suis usurpabant: choreis finitis eos Daemones gravissimis pectoris doloribus cruciabant, ita ut nisi nexibus quibusdam umbilicatum fortiter stringerentur, magnis furiosisque ululatus se mori proclamarent.—Causam hujusmodi sectae diabolicae non aliam viri prudentes assignabant, quam fidei et praeceptorum Dei, quae per id tempus regnabat, crassam ignorantiam. Non deerant tamen e vulgo, qui in sacerdotes concubinariorum culpam rejicerent, quod per eos minus recte pueri baptisarentur, etc. Limburgische Chronik, § 122 (Ausg. v. C. D. Vogel, Marburg, 1828, s. 71): Und wurd des Dings also viel, dass man zu Colln in der Stadt mehr denn 500 Tänzer fand. Und fand man, dass es eine Ketzerey war, und geschahe um Gelds willen, dass ihr ein Theil Frau und Mann in Unkeuschheit mochten kommen, und die vollbringen. Und fand man da zu Cölln mehr dann hundert Frauen und Dienstmägde, die nicht eheliche Männer hatten. Die wurden alle in der Tantzerey Kindertragend, und wann dass si tanzeten, so bunden und knebelten sie sich hart um den Leib, dass sie desto geringer waren. Hierauff sprachen ein theils Meister, sonderlich der guten Artst, dass ein Theil wurden tanzend, die von heisser Natur wären, und von andern gebrechlichen natürlichen Sachen. Dan deren war wenig, denen dass geschahe. Die Meister von der heil. Schrift die beschwohren der Tantzerey ein Theil, die meynten, dass sie besessen wären von dem bösen Geist. Also nahm es ein betrogen End, und wahrete wohl sechszehn Wochen in diesen Landen oder in der Mass. Auch nahmen die vorgeannten Tanser Mann und Frauen sich an, das sie kein roth sehen möchten. Und war ein eitel Teuscherey, und ist verbottschafft gewesen an Christum nach meinem Bedünken.

<sup>25</sup> The sick here were carried to the chapels of St. Vitus, at Zabern and Rotstein, to be healed; hence the name St. Vitus's dance. Compare Schilter's Anm. zu Könighoven's Chronik, s. 1087.

<sup>26</sup> Hecker's Tanzwuth, s. 26.

## SIXTH CHAPTER.

## HISTORY OF CHURCH DISCIPLINE.

## § 120.

## ECCLESIASTICAL REWARDS AND PUNISHMENTS.

The theory of indulgences, brought to perfection by Thomas Aquinas, was not, indeed, at once universally adopted by the theologians of this period;<sup>1</sup> but it might be held as the general opinion of the Church, from the time that Clement VI., first of all the Popes, proclaimed it in his Jubilee bull.<sup>2</sup> The opportunities for gaining indulgences were continually on the increase. The minor indulgences might be obtained every day:<sup>3</sup> there was the preach-

<sup>1</sup> The passages from those who acceded to the doctrine are collected in Eus. Amort, *De Origine, Progressu, Valore ac Fructu Indulgentiarum* (Aug. Vindel. 1785, fol.), ii. 80. Augustinus Triumphus, *Summa de Potest. Eccles.*, Qu. 29-32, may be added to the number. On the other hand, Franciscus Mayronius, the Franciscan at Paris († 1325), in his *Comm. in Sent. lib. iv. dist. 19, qu. 2*, disputes the doctrine of the *Thesaurus*. Durandus de s. Porciano in *Sent.*, lib. iv. dist. 20, qu. 3: *De indulgentiis pauca dici possunt per certitudinem, quia nec Scriptura expresse de eis loquitur. Quod enim dictum est Petro Matth. xvi. : tibi dabo claves regni caelorum, et quodcumque ligaveris, etc.*, intelligitur de potestate ei data in foro poenitentiae. De collatione autem indulgentiarum non est clarum quod debeat intelligi: Sancti etiam, ut Ambrosius, Hilarius, Augustinus, Hieronymus, minime loquuntur de indulgentiis. Gregorius tamen loquitur, qui etiam indulgentias Romae instituit in stationibus, ut dicitur. Et ideo loquendo de eis sequendus est modus communis. Then he states the doctrine of the *Thesaurus*.

<sup>2</sup> See the bull *Unigenitus*, of 27th January, 1343, in *Extravagg. Comm. lib. v. tit. 9. c. 2*, and in Raynald. ann. 1349, no. 11: (Deus Filius) non corruptibilibus auro et argento, sed sui ipsius, agni incontaminati et immaculati, pretioso sanguine nos redemit, quem in ara crucis pro nobis innocens immolatus, non guttam sanguinis modicam, quae tamen propter unionem ad Verbum pro redemptione totius humani generis sufficisset, sed copiose velut quoddam profluvium noscitur effudisse, ita ut a planta pedis usque ad verticem nulla sanitas inveniretur in ipso. Quantum ergo exinde, ut nec supervacua, inanis aut superflua tantae effusionis miseratio redderetur, thesaurum militanti Ecclesiae acquisivit, volens suis thesaurizare filiis pius pater, ut sic sit infinitus thesaurus hominibus, quo qui usi sunt, Dei amicitiae participes sunt effecti! Quem quidem thesaurum non in sudario repositum, non in agro absconditum, sed per b. Petrum caeli clavigerum, ejusque successores, suos in terris vicarios, commisit fidelibus salubriter dispensandum, et propriis (*leg. pro piis*) et rationabilibus causis nunc pro totali nunc pro partiali remissione poenae temporalis pro peccatis debitae tam generaliter quam specialiter, prout cum Deo expedire cognoscerent, vere poenitentibus et confessis misericorditer applicandum. Ad cujus quidem thesauri cumulum beatae Dei Genetricis et omnium Electorum a primo justo usque ad ultimum merita adminiculum praestare noscuntur, de cujus consumptione seu diminutione non est aliquatenus formidandum, tam propter infinita Christi, ut praedictum est, merita, quam pro eo, quod quanto plures ex ejus applicatione trahuntur ad justitiam, tanto magis accrescit ipsorum cumulus meritorum.

<sup>3</sup> When the inhabitants of Xanten, in the district of Cleves, began to collect at eventide, at a signal from the church bell, to invoke the blessed Virgin with the angel's salutation, John XXII. in 1318, rewarded the threefold *Ave Maria* with an indulgence for

ing of crusades, in which a general indulgence was offered;<sup>4</sup> but the chief means was the development of the new discovery of the Jubilee year.<sup>5</sup> At the request of the Romans it was brought down to every fiftieth year by Clement VI. in 1343, and so observed in 1350.<sup>6</sup> Urban VI. altered it in 1389 to every thirty-third year.<sup>7</sup> So Boniface IX. repeated it in 1390; but this avaricious Pope, not satisfied with this, not only offered the Jubilee-indulgence for sale out of Rome in the years immediately following, but also drove

ten days (Raynald. ann. 1318, no. 58, cf. ann. 1327, no. 54). The Conc. Avenionense, ann. 1326, conceded, cap. 2, to those who accompanied the sacrament to the sick, an indulgence, if by day, of twenty days, if by night, of thirty nights: cap. 3, to those who prayed for the Pope and the Church, ten days: cap. 4, to those who bowed at the name of Jesus, ten days. This was repeated by the Conc. Avenion., ann. 1337, c. 2; Vau-rensense, ann. 1368, c. 124; Narbon., ann. 1374, c. 19.

<sup>4</sup> E. g. above, § 99, note 29; § 101, note 10.

<sup>5</sup> On both the embassies of the Romans to Clement VI., see Papencordt's Cola di Rienzo s. 338. The concession to their request by the bull *Unigenitus* (see above, note 2): *Nos autem attendentes, quod annus quinquagesimus in lege Mosaica—jubileus remissionis et gaudii—censebatur, quodque ipse quinquagenarius numerus in Testamentis, veteri quidem ex legis donatione, in novo ex visibili s. Spiritus in discipulos missione—singulariter honoratur, quodque huic numero plura et grandia divinarum adaptantur mysteria Scripturarum; et clamorem peculiaris populi nostri, Romani videlicet, hoc humiliter supplicantis, ac nos ad instar Moysi et Aaron per proprios et solemnes nuncios ad hoc specialiter destinatos orantis pro toto christiano populo et dicentis: Domine, aperi eis thesaurum tuum fontem aquae vivae, desiderantes benignius exaudire;—volentesque quamplurimos hujusmodi indulgentiae fore participes, cum pauci multorum respectu propter vitae hominum brevitatem valeant ad annum centesimum pervenire: de fratrum nostrorum consilio praedictam concessionem ejusdem indulgentiae ex suprascriptis et aliis justis causis ad annum quinquagesimum ducimus reducendam.* He then decrees for the year of Jubilee, ut universi Christifideles, qui vere poenitentes et confessi—Petri et Pauli Apostolorum Basilicas et Lateranensem Ecclesiam—visitaverint, plenissimam omnium peccatorum suorum veniam consequantur, ita videlicet, ut quicumque voluerit indulgentiam hujusmodi assequi, ad minus triginta, si Romani: si vero peregrini aut forenses, modo simili XV. diebus ad praedictas Basilicas et Ecclesias accedere teneantur. Adicientes, ut il etiam, qui—post iter arripit impediti legitime, quo minus ad urbem illo anno valeant pervenire, aut in via, vel dierum praetaxato numero non completo in dicta urbe decesserint, vere poenitentes et confessi, eandem indulgentiam consequantur.

<sup>6</sup> On the great concourse of people, see Matteo Villani, i. c. 56 (Muratori Scriptt. rer. Ital. xiv. 56), Heinr. a Rebdorff. ad ann. 1350. Prima Vita Clementis VI. in Baluz. i. 256. Petrarca Rerum Famil. Epist. xi. 1. Rer. Senil. Epist. vii. 1. Comp. Limburgische Chronik, edited by Vogel, Marburg, 1828, s. 20: "da ging Annus Jubileus an zu Weihnachten—und lieffen die Leute gen Rom.—Und die auch von Rom kamen, wurden eins Theils böser, als sie vor gewesen waren." Papencordt's Cola di Rienzo, s. 265.

<sup>7</sup> The bull of 8th April, 1389, is in Eus. Amort, De Indulgentiis, i. 84: *Nos considerantes, quod actas hominum amplius solito in dies labitur pauciores, et desiderantes, quam plurimos participes fieri indulgentiae memoratae, cum plurimi ad annum quinquagesimum propter hominum vitae brevitatem non perveniant,—ac intendentes, quod anno tricesimo tertio Salvatoris Domini nostri Jesu Christi ipse Salvator noster pro nobis aeterno Patri Adae debitum solvit,—et quod mysterio hujusmodi XXXIII. annorum—plura etiam alia et grandia divinarum Scripturarum mysteria adaptari possunt,—et aliis justis causis ad annum tricesimum tertium reducimus, etc.* But the real cause was the wish to gratify the seditious Romans; see Spondani Annal. Eccl., ann. 1389, no. 8.

a sordid traffic in indulgences under various names.<sup>8</sup> As this

<sup>8</sup> Theod. a Niem, De Schism, i. c. 68: innumerabiles peregrini toto illo anno (1390)—ad urbem venerunt, unde et maxima offertoria Ecclesiis et Basilicis urbis per visitatores data fuerunt, ex quibus aliquae reparationes ipsarum Ecclesiarum factae fuerunt, sed residuum et major pars ad manus Bonifacii et quorundam aliorum devenit. Ipse etiam Bonifacius hujusmodi offertoriis non contentus, licet ad maximas summas ascenderet (erat enim insatiabilis vorago, et in avaritia nullus ei similis), ad diversa regna misit quaestuarios vendendo dictam indulgentiam offerentibus tantum, quantum essent expensuri in via, si propterea ivissent ad urbem: et hujusmodi exactores seu quaestuarii etiam maximas summas pecuniarum a simplicibus seu barbaris subtiliter extorservat, ita quod aliquando in uno regno, seu in una provincia hujusmodi venditionibus ultra centum millia florenorum reportarunt, quia omnia peccata etiam sine poenitentia ipsis confitentibus relaxarunt, super quibuscumque irregularitatibus dispensarunt interventa pecuniae, dicentes, se omnem potestatem habere super hoc, quam Christus Petro ligandi et solvendi contulisset in terris. Et per hoc ipsi quaestuarii impinguati, dilatati, ingrossati, et cum multis pulchris equis et decenti familia redeuntes ad urbem, ipsam de re collectis per eos taliter rationem Pontifici fecerunt, sed aliquos eorum, quos comperit infideliter egisse, carceribus intrudebat: nonnulli eorum mala morte perierunt, aliqui vero sibi ipsis mortem consciverunt, quidam furore populi in petias (*en pièces*) secti fuerunt, etc.—Magnum Chronicon Belgicum (in Rerum German. Scriptt., ed. Pistorius-Struve, iii. 363): Postquam annus Jubilaeus—transiit, dominus Bonifacius unum annum sub anni Jubilaei urbis Romae indulgentiarum forma Coloniensi civitati concessit; ita ut venientes Coloniam, vel ibidem habitantes, illo anno durante visitantes certas Ecclesias ad hoc directas cum oblationibus suis possent consequi indulgentias, quae visitantibus urbem Romanam in anno Jubilaeo concessae erant, videlicet plenissimam remissionem omnium peccatorum. Quo anno elapso similis annus concessus est ab eodem domino Bonifacio sub eadem forma civitati Magdenburgensi. Et ad utramque harum civitatum missus est collector Papae, qui certam partem recepit oblatorum. Deinde indulgentias similes concessit visitantibus alias nonnullas civitates Germaniae ad certos menses. Unde in Misnia et Praga ex hujusmodi conessione concursus magnus populorum fuit. Deinde idem concessit multis locis Almanniae, ut visitantes certas istorum locorum Ecclesias consequerentur indulgentias similes, quae erant quondam concessae tali vel tali loco, seu tali vel tali Ecclesiae, quae in ipso privilegio conessionis exprimebatur (compare the bull following).—Et in omnibus privilegiis conessionum praedictarum ponebatur clausula *porrigentibus manus adjutrices*, ita ut hujusmodi indulgentias, nisi qui ipsis locis vel Ecclesiis manum porrigeret adjutricem, nemo consequi posse videretur. Unde quidam conessiones hujusmodi magis non magni faciebant, ut quas pro lucro magis, quam ex zelo, tum institutas a Papa suspicabantur. As to the part which the Pope's *Camerarius*, Balthasar Cossa, afterward John XXIII., took in this transaction, see Theod. de Niem, De Vita Joh. XXIII. (in Meibomii Rer. Germ. i. 7, and v. d. Hardt, Conc. Const. ii. 340): Nec istis lucris contentus, sed amplius ditari satagens, quosdam eloquentes et audaces apostatas de Spoletto in vicinis partibus oriundos, quos Italici Exiretanos appellant, et nuncios dicti Bonifacii ad praedicandas in Almania, Dacia (Denmark), Suecia, et Norvegia, et adjacentibus provinciis indulgentias et peccatorum remissiones de omni peccato largissimas fieri procuravit. Qui se saepe audiente publice praedicarunt, quod etiam S. Petrus, si viveret, majorem remissione peccaminum potestatem non haberet, quam ipsi ab eodem Bonifacio receperunt ad salutem animarum illorum, quibus illi eandem remissionem communicarent, et quod omnia, quae ipsis darentur ratione indulgentiarum hujusmodi, in succursum Imperatoris Constantinopolitani, qui et sui subditi Christiani per Turcos tunc essent oppressi gravissime, mitterentur. Qui quidem quaestores cum magna copia ad Germaniam pervenientes, et primo in Suevia in dioecesi Constantiensi notabiliora hospitia in locis et oppidis insignibus pro se receperunt, et bannerium (banner) Romanae Ecclesiae cum clavibus S. Petri depictum die immediate sequenti post jucundum illic eorum adventum extra fenestras extenderunt: intrantes autem cum magno apparatu illic majorem Ecclesiam aut principalem: major eorum in

sale of indulgences was often carried on with the coarsest avarice,<sup>9</sup> so, too, was fraud continually mixed up with it. A forged

*ipsa Ecclesia in altiori loco prope altare sedile cum tapetis pulcris per suos ministros ad id deputatos sibi fecit apparari cum panno nobili de serico etiam superius extenso.—Solemne benedictionem ille major nuncius populo dedit, et per aliquos Episcopos titulares illud mel sequentis sermonis ibidem in publico fieri fecit, intimando simplicibus ibidem tunc congregatis, ut eos levius decipere necnon pecunias reportare possent, indulgentias et remissiones peccaminum antedictas: et semper in eisdem sermonibus publice dicebatur, quod ipse major nuncius super omni irregularitate ac peccato posset dispensare, ac ipsa peccata remittere, ac etiam parentum animas eorum offerentium ipsis de purgatorio liberare, et ultra hoc quicquid posset Papa de plenitudine potestatis, id idem ipsi possent, et etiam aliquid amplius, si expediret. Et si aliquis eis in hoc forsitan contradixit, illum haereticum aut schismaticum, necnon apostolicae sedi rebellem nominabant, et modis omnibus persequerentur, et quod infra paucos dies in praefata curia coram praedicto Bonifacio, pro meritis digna recepturus personaliter compareret, ignominiose citarunt, et per hoc Praelatos ecclesiasticos et alios terruerunt, quod istis—se opponere non audebant.—Sicque ultra centum millia florenorum auri ipsi nuncii infra biennium per illos modos in eisdem partibus collegerunt. The principal-nuncio, Antonius de Roma, went afterward to Bologna, to give in his account to Balthasar, who had in the mean time become Cardinal and Legate at Bologna; but the latter threw him into prison and took from him the money which he meant to embezzle, cum quo sperabat se empturum aliquam pinguem cathedralem Ecclesiam vel Abbatiam a Bonifacio saepedicto. Videns autem se huiusmodi spe fraudatum, tanquam desperans in carceribus ipsius mortem sibi conscivit, se ipsum quadam chorda, qua cingebatur, quadam nocte jugulando. At last, after enough had been gained, Boniface sought to retrieve the honor of the apostolic see, by revoking all the indulgences already granted, on the plea of their having been obtained by fraud (as he did likewise with the reversions. Theod. a Niem, ii. c. 9; see above, § 105, note 7). See the bull of 22d December, 1402, in Statuta Synodalia, a Wenceslao Episc. Wratislav. ann. 1410 publicata, ed. a J. Chr. Friedrich, Hannoverae, 1827, p. 11 (mentioned also by the contemporary Joh. v. d. Pusilie; see Jahrbücher Joh. Lindenblatts herausgeg. v. Voigt u. Schubert, Königsberg, 1823, s. 156; but the date is 1402, not 1405, as it stands erroneously in the Status): Intenta salutis operibus sedis apostolicae circumspicere benignitas—interdum aliqua per importunam potentium instantiam, quaedam autem per surreptionis malitiam vel fraudem vel quemvis modum illicitum impetrata statuit vel indulget, demum vero in ejus notitiam his deductis ac utilitate publica suadente ea reformat in melius. Accordingly the following cassations were passed. E. g. Item revocamus et annullamus omnes et singulas indulgentias, in quibus continetur a poena et a culpa, vel plena indulgentia omnium peccatorum suorum, et alias, quae concessae sunt sub formis indulgentiarum Ecclesiarum urbis, anni jubilai, vel s. sepulchri dominici, s. Michaelis de monte Gargano, s. Jacobi in Compostella, et s. Marci de Venetiis, s. Mariae de Angelis, alias in Portiuncula, s. Mariae de Collomadio, et omnes alias, quae factae sunt ad instar indulgentiarum quibusvis aliis Ecclesiis concessarum, et volumus, quod nullius sint roboris vel momenti, etiamsi in literis apostolicis, super dictis indulgentiis confectis, contineretur talis clausula, videlicet: et si contigerit revocari per nos indulgentias in genere vel in specie, quod indulgentiae ipsae per eandem literas concessae non intelligantur revocatae.*

<sup>9</sup> Thus, when the Cardinal Albornoz, in 1356, had a crusade preached in Italy (compare above, § 101, note 5), Matteo Villani, vi. c. 14: E incontanente l'avarizia de' Cherici cominciò a fare l'ufficio suo, e allargarono colla praedicatione l'indulgenza oltre alla commessione del Papa. E cominciarono a non rifiutare danajo da ogni maniera di gente, compensando i peccati e voti d'ogni ragione con danari assai, e pochi, come gli poteano attrarre. E per non mancare alla loro avarizia, sommoveano nelle Città, e ne' Castelli, e nelle Ville ogni femminella, ogni povero, che non havea danari, a dare pannolini, e lani, e masserizie, grani, e biade. Niuna cosa rifiutavano, ingannando la gen-

bull of indulgence for the jubilee year 1350 seems to have been issued through the selfish policy of the Romans, in the name of Pope Clement VI.<sup>10</sup> But fraud had free scope for action when

te, con allargare colle parole quello, che non portava la loro commessione. E così davano la Croce, e spogliavano le Ville, e le Castella più che non poteano fare le Città. Balthasar Cossa's traffic in Indulgences, above, note 8.

<sup>10</sup> This is the bull *Ad memoriam*, which is even given by two contemporaries, Peter of Herentals, prior of the Praemonstrant monastery at Fleury (Quinta Vita Clementis VI. in Baluz. Vitae PP. Aven. i. 312), and Albericus de Rosate (Dictionarium Juris a. v. *Jubilaeus annus*). The most remarkable passages in it are: Item concedimus, quod, si vere confessus in via morte praevenerint, ab omnibus peccatis suis sit immunis et peccatus absolutus, et nihilominus mandamus Angelis paradisi, quod animam illius a purgatorio penitus absolutam ad paradisi gloriam introducant.—Cum autem fideles praedicti ita devote praedicta compleverint, ostendetur eis ex mandato nostro sudarium Domini nostri Jesu Christi, quo viso ab omnibus peccatis suis sint absoluti et indulgentias habeant ab eisdem. Nosque ex parte D. n. Jesu Christi, cujus sumus in terra vicarii, rededicimus eos ad statum, quo erant die illo, quo baptismum receperunt de gratia speciali. Jo. Wicliffe, Dialog. lib. iv. c. 32, speaks doubtfully of this bull (Fateor, quod indulgentiae papales, si ita se habeant, ut dicuntur, tunc sapiant manifestam blasphemiam), Jo. Huss, Tract. de Ecclesia, c. 12 and 23 (Hist. et Monum. i. 272, 317), and Jo. de Paltz, Augustin Monk at Halle, in his *Caelifodina*, Lips. 1504, fol. ff. 5, verso, quote it as genuine. On the other hand, Antoninus Florentinus († 1459), *Summae Histor. P. iii. tit. 10. c. 3, § 6*, considered it spurious: sciendum, quod in copia cujusdam bullae, quae dicitur esse Clementis, multa narrantur, quae non videntur esse de stylo Curiae, cum sint levia et exorbitantia satis. Unde licet adscribantur Clementi, non videtur verisimile illius vel alterius summi Pontificis fuisse, sed fictitiae inventa. Jo. Wessel († 1489) contradicts him in his *Epist. ad M. Jac. Hoeck* (Opp. Groningae, 1614. 4. p. 889): reverendissimus ille Antoninus confitetur, copias bullarum Clementis tantam continere exorbitantiam, quod non credit fuisse bullatas: quae tamen hodie Viennae, Limovis, Pictavis plumbatae in thesauro privilegiorum reservantur; and p. 892: Numquid Parisiensi Facultati theologicae non dico ratione majus fuit, immo numquid fuit pro ratione Clementis Papae auctoritas, quando temeritate illius angelis praecipientem reprehenderunt et correxerunt? Ever since Jo. Hoornbek, in his *Examen Bullae papalis, qua Innocentius X. abrogare nititur pacem Germaniae*, Ultraj. 1653. 4. p. 273 ss., printed the bull, Protestant controversialists have made plentiful use of it. However, it is undoubtedly a forgery: see Baluzii Vit. PP. Aven. i. 915; Pagi Breviar. Gest. Pontiff. Rom. ed. Luc. 11. ii. 86; Chais, *Lettres Hist. et Dogm. sur les Jubilés*, i. 164. For, 1, Albericus, who himself obtained the Jubilee-indulgence of 1350 at Rome, prefixes to this bull the remark: Circa praedictam indulgentiam alias formas habui, quae an fuerint apostolicae ignoro, tamen sunt pulchrae et ideo eas hic describo: and says afterward: Haec forma, sicut puto, non fuit bullata, nec confirmata, nec servabatur tempore dictae indulgentiae, ad quam fui cum uxore et tribus filiis. 2. The opinion of the Archbishop Antonine upon the bull is of much more weight than Wessel's. Also seemingly authentic copies, to which he appeals, do not command unconditional belief in this age of forgeries (see vol. 2, § 67, note 12). Nothing at all is known of an opposition in the Sorbonne, to which John Wessel alludes. 3. Baluze justly concludes, with Antonine: insulsa est compositio, fatua, demena, aliena a stylo curiae, such as could not be expected from a learned Pope like Clement VI. It is impossible, as is here stated, that he could have allowed all parish priests to leave their churches for a year, and empowered all monks to wring from their abbots leave of absence and money for traveling: the interest of the Romans, rather, betrays itself here, since their avarice was particularly conspicuous in this Jubilee-year (Matth. Villani, lib. i. c. 55). 4. The following passage occurs in the bull: Volumus insuper et ordinamus, quod omnes Romipetae patriae Romanae, Campaniae, Tusciae, Apuliae, Calabriae, Principatus terrae Lombardiae et Italiae usque ad Pedemontem in praefata civita-

Boniface IX., after 1390, offered the Jubilee-indulgences for sale in so many places.<sup>11</sup>

So far as the popes made their indulgences arbitrarily dependent upon the fulfillment of certain external conditions; so far as they granted to some, and refused to others, what all believers might claim alike,<sup>12</sup> they conducted themselves no longer as stewards, but as absolute masters of spiritual graces. They drew upon themselves the same charge when they granted certain rights, which were due to all alike, as privileges to particular persons or communities.<sup>13</sup> The kings of France were overwhelmed by Clement VI., who was entirely devoted to their service, with such favors, which, in part, in a moral point of view, were extremely objectionable.<sup>14</sup>

te per unum mensem sequentem residentiam faciant, etc., in direct contradiction to the genuine Jubilee bull (see note 5), according to which none but the Romans needed thirty days for the obtaining of the indulgence. Here also the avaricious aims of the Romans are manifest.

<sup>11</sup> Bonifacii Ep. ad Episc. Ferrariensem (in Raynald. ann. 1390, no. 2): Ad audientiam nostram—fidedignorum quamplurium relatio perduxit, quod quidam religiosi diversorum, etiam mendicantium, Ordinum, et nonnulli clerici saeculares etiam in dignitatibus constituti, asserentes, se a nobis—missos,—non veras sed practensas facultates hujusmodi mendaciter simulant, cum etiam pro qualibet parva pecuniarum summula non poenitentes—ab atrocibus delictis—absolvant, male ablata certa et incerta, nulla satisfactione praevia (quod omnibus saeculis absurdissimum est) remittant; castitatis, abstinentiae, peregrinationis ultramarinae—et alia quaevis vota levi compensatione commutent; de haeresi vel schismate—condemnatos, absque eo quod in debita forma abjurent, non tantum absolvant, sed in integrum restituant;—et indulgentiam, quam felix recordationis Urbanus P. VI.—Christifidelibus certas Basilicas et Ecclesias dictae urbis instanti anno visitantibus concessit,—quibusvis elargiri pro nihilo ducant;—ut quasi hominibus perpetuam felicitatem in hoc saeculo polliceri conentur, et aeternam gloriam in futuro: et quaeustum, quem exinde percipiunt, nomine camerae apostolicae se percipere asserant, et nullam de illo nihilominus rationem velle reddere videantur. They should be compelled by force, and arrest, ad reddendum computum de receptis.

<sup>12</sup> The theologians of this time handled in good earnest the question, why the Pope should not, if he could, release all souls from purgatory? E. g. Summae Astesanae (see § 118, note 1) lib. v. tit. 40. Si Papa potest animas in purgatorio sic absolvere, saltem per modum suffragii, quare ergo non absolvit omnes solo verbo, cum talibus sit maxime compatiendum? Resp. Si Deus per se ipsum sic miseretur, ut semper velit timeri justitiam, multo fortius similiter Dei Minister facere debet: unde dispensatio bonorum Ecclesiae discreta et cum moderamine est facienda, et nisi ita fiat, Deus non acceptat.

<sup>13</sup> See § 106, note 8.

<sup>14</sup> These may be seen in d'Achery Spicileg. iii. 723; almost all are of the date 20th April, 1351. The Privilege, on p. 724, is particularly offensive; vobis et successoribus vestris Regibus et Reginis Franciae—in perpetuum indulgemus, ut Confessor religiosus, vel saecularis, quem vestrum et eorum quilibet duxerit eligendum, vota per vos forsitan jam emissa, ac per vos et successores vestros in posterum emittenda, ultramarino, ac bb. Petri et Pauli Apostolorum, ac castitatis et continentiae votis dumtaxat exceptis; necnon juramenta per vos praestita, et per vos et eos praestanda in posterum, quae vos et illi servare commode non possetis, vobis et eis commutare valeat in alia opera pietatis. These are some of the other privileges: quod Rex et Regina in locis interdictis possunt



The hierarchy was as rapid in its punishments as it was prodigal in the distribution of its favors. The inquisition, whose powers had been directed, since the time of John XXII., as much against witchcraft<sup>15</sup> as against heresy, remained as terrible and hated as before.<sup>16</sup> In comparison with its horrible penalties, the ban and interdict, the ecclesiastical penalties of the hierarchy, especially now that they were often employed for trifling causes,<sup>17</sup>

facere celebrare; quod Confessor absolvere eos potest in casibus sedi apost. reservatis; quod Confessor Regi cum exercitu potest dare licentiam vescendi carnibus; quod Confessor Regem et Reginam dispensare potest de jejuniis; quod Rex ingredi potest monasterium inclusarum; quod Rex possit facere celebrare super Altare portatile in sua et gentium exercitus sui praesentia; quod Praelatus celebrans coram Rege seu Regina conferre potest unum annum et XL. dies indulgentiae; quod Confessor Regis et Reginae eis semel in mortis articulo, et quotiescunque pro Regni defensione imminet periculum, plenam remissionem peccatorum indulgere possit; quod orantibus pro Rege et Regina centum dies de injunctis poenitentibus qualibet die relaxantur; quod Rex et Regina eligere possunt Confessorem, qui eos absolvat, si excommunicationis sententiam incurrerint propter manuum injectionem in Clericos; quod nemo potest in terram Regis et Reginae interdicti sententiam promulgare absque auctoritate apostolica; quod non teneantur ad restitutionem bonorum, nisi his qui ad notitiam eorum venerint, sed elemosynae cedant loco restitutionis; quod Confessor Religiosus Regis et Reginae, cui est esus carniū secundum statuta sui Ordinis interdictus, licite potest in eorum comitiva vesci carnibus: quod Clerici Regis et Reginae possunt a quocunque Episcopo Ordines suscipere, and so forth.

<sup>15</sup> Compare the bull of John XXII. *Super illius specula*, A.D. 1326 (in the Bullarium): There were—quamplures, qui cum morte foedus ineunt, et pactum faciunt cum inferno: daemonibus namque immolant, hos adorant, fabricant ac fabricari procurant imagines, annulum, vel speculum, vel phialam, vel rem quamcunque aliam magice ad daemones inibi alligandos, ab his petunt responsa, ab his recipiunt, et pro implendis pravis suis desideriis auxilia postulant, pro re foetidissima foetidam exhibent servitutum. Against these persons—ad infingendas poenas omnes et singulas, praeter bonorum confiscationem dumtaxat, quas de jure merentur haeretici, per suos competentes judices procedatur. So early as 1317, there were attempts to make way with the Pope and several Cardinals, first by poison, afterward by magic (Raynald, 1317, no. 52): Imagines cereas fecerunt sub nostro et ipsorum fratrum nominibus confici, ut magicis artibus, incantationibus vetitis, ac daemonum invocationibus reprobandis adhibitis vitam labefactarent insonitium per punctiōnem imaginum praedictarum.

<sup>16</sup> The Franciscan, Bernardus Delitiosi, inveighed in Southern France with some success against the inquisition; among other things, he said, quod beati Petrus et Paulus ab haeresi defendere se non possent, si viverent, dum tamen inquireretur cum eis per modum ab Inquisitoribus observatum. He was condemned for this, in 1319, to imprisonment for life; see Liber Sententiarum Inquis. Tolos. p. 269 (in Limborch, Hist. Inquis.): the minutes are given more fully in Baluzii Vitae Pap. Aven. ii. 341.—The inquisitors surrounded themselves with armed men for their protection, at times even with an armed mob; compare John XXII.'s bull *Exiit* to the inquisitors in Lombardy, 3d May, 1321 (in the Bullar.): Accepimus assertionem fidei, quod vos nonnullis pravis et perversis hominibus, qui frequenter ad caedes et alia nefanda facinora laxant nequiter manus suas, arma per civitatem et districtum Bononiensem portandi, non sine multorum scandalo, licentiam concessistis. Accordingly he enjoins, quatenus neminem familiarem, nisi Ecclesiae fidelem ac devotum, et laudabilis conversationis et vitae, habere quomodolibet praesumatis; nec aliquibus de caetero extra familiam vestram—deferendi arma—licentiam concedatis.

<sup>17</sup> Compare above, § 105, note 5; § 108, note 12. So Alvarus Pelagius, *De Plancta*

sank lower and lower in the estimation of the laity.<sup>18</sup> The most solemn excommunications were those which the Pope was accustomed to pronounce on Maundy Thursday.<sup>19</sup>

Eccl., ii. c. 20, reckons among the ordinary charges against the bishops, trigesimum quintum, quod pro minimis culpis paratos etiam corrigi excommunicant: cum tamen nemo excommunicari debeat, nisi pro magnis peccatis, et quando aliter corrigi non potest.

<sup>18</sup> Compare § 108, note 16. Alvarus Pelagius, i. c. 69, investigates the question: Cum Ecclesia tantam nunc habeat potestatem temporalem, cur Praelatorum sententiae aut nullo modo aut male a subditis pro majori parte servantur, parvipenduntur et despectui habentur? Petri de Alliaco Canones Reformandi Eccles. in Conc. Const. (written in 1416), in v. d. Hardt, Conc. Const. i. viii. 417: De secundo gravamine supra tacto, scil. de multiplicatione excommunicationum, et ex consequenti irregularitatum, quas Rom. Ecclesia in suis constitutionibus poenalibus, et maxime in quibusdam novis decretalibus imposuit, et saepe per suos collectores in multorum scandalum fulminavit, et ad cujus exemplum alii Praelati leviter et pro levibus causis—pauperes excommunicatione crudeliter excutiunt, necesse est, providere.—Nam gladius Ecclesiae, scil. excommunicatio qui in primitiva Ecclesia, veneranda raritate, erat formidabilis, jam propter abusum contrarium contemptibilis effectus est. Jo. Vitoduranus, in Thesaur. Hist. Helv. p. 70:

Mos interdicti poenae nocuit maledictae  
 Plus caeteris longe censuris Catholicorum,  
 Quam tulit in plebem Papa nimis temere;  
 Extinguit cultum Domini, fidei quoque lumen;  
 Devotos animos indurans reddit ineptos,  
 Suscit ac haereses improbitate sua.

<sup>19</sup> Even Pascal II., *In Coena Domini*, 1102, pronounced a solemn ban against Henry IV. (see vol. 2, § 49, note 9), Gregory IX., in 1227, against Frederick II. (ibid. § 55, note 7.) The *feria quinta* was, in truth, according to the consuetudo Romanae Ecclesiae, the day for the reception of penitents (Guil. Durantis *Rationale Divin. Offic.* lib. vi. c. 78); so the curse upon this day was all the more terrible. Toward the end of the 13th century it had already become the custom for the popes to repeat annually, upon this day, excommunications of especial importance; thus, according to the testimony of the Conc. Herbipol., ann. 1287, c. 40, against the—imponentes et exigentes nova passagia (see vol. 2, § 63, note 24). There are extant two *processus In Coena Domini* of Boniface VIII., the one, in 1299, against those, qui ad Saracenos arma, victualia aliaque deferrent; the other, in 1303, against those—qui laederent ad sedem apostolicam venientes (both are in the Bullar. Rom.). These *Processus* were united, and repeated every year, generally in permanent forms, but also with alterations and additions, according to circumstances. One such collective-process by Gregory XI., A.D. 1370, is said to be extant in the Vatican library (Le Bret. *Gesch. d. Bulle In Coena Domini*, ii. 156); but the earliest one published is that by Gregory XII., A.D. 1411 (Raynald. ad. h. a. no. 1): Excommunicamus et anathematizamus ex parte Dei Patris, et Filii, et Spiritus sancti, auctoritate quoque bb. Apostolorum Petri et Pauli et nostra omnes haereticos, Gazaros, Patarenos, Pauperes de Lugduno, Arnaldistas, Speronistas et Passaginos, et omnes alios haereticos, quocunque nomine censeantur, et omnes fautores, receptatores, et defensores eorum. Item excommunicamus et anathematizamus omnes illos, qui equos, arma, ferrum, lignamina, vel alia prohibita deferunt Saracenis, quibus Christianos impugnant. Item excommunicamus et anathematizamus omnes illos, qui ad sedem apostolicam venientes vel recedentes ab ea, necnon illos, qui jurisdictionem ordinariam vel delegatam aliquam non habentes in eadem curia morantes temeritate propria capiunt, spoliunt, percutiunt, mutilant, et detinere praesumunt, et qui talia fieri faciunt seu mandant, and so on. This *Processus an-*

## § 121.

## SYNODAL TRIBUNALS.

Ever since the synodal courts had begun to punish, as the general rule, by the imposition of fines, they seemed to have become only a new means for enriching the prelates.<sup>1</sup> The synodal witnesses became loose in testimony, and innocent persons were often obliged to buy themselves off from false accusations.<sup>2</sup> Accordingly,

*nualis*, after manifold alterations under different popes from the time of Pius V. (1566), has retained the name of the bull *In Coena Domini*. On its origin see, especially, Prosperi Card. Lambertini (Benedicti XIV.) *De Festis*, P. i. c. 196: on the other hand, Le Bret's *Pragmat. Geschichte der Bulle In Coena Domini* (Frankf. u. Leipz. 1769-70. 4 Bde. 4. 1-2 Bd. new ed. 1772) contains next to nothing upon the history of its origin.

<sup>1</sup> Petri de Alliaco *Canones Reformandi Eccles. in Conc. Const.* (written in 1416) in v. d. Hardt, *Conc. Const.* I. viii. 421: *Item providendum erit, ut Praelati in suis synodiis, et eorum Officiales in suis curiis non ad repletionem bursarum intendant, sed ad correctionem vitiorum, emendationem morum, et aedificationem animarum. Et ut exactiones pro sigillis et literis moderentur, et poenae pecuniariae vel tollantur vel temperentur, aut in totum vel partem ad pios usus notorie applicentur.*

<sup>2</sup> *De Ruina Ecclesiae* (A.D. 1401, see § 103, note 5) c. 21, in v. d. Hardt, *Conc. Const.* I. iii. 23: *Dici non potest, quanta mala ubique faciant illi scelerati exploratores, quos Promotores appellant. Simples et pauperulos agrestes, vitam satia innocuam in suis tuguriis agentes, et fraudis urbanae nescios in jus saepe pro nihilo vocant. Causas et crimina contra eos sedulo confingunt, vexant, terrent, minantur, sicque eos per talia secum componere et pacisci cogunt. Quod si facere renuerint, crebris eos citationibus, quotidieque repetitis supra modum infestant. Quod si semel qualibet occasione praepediti comparere desierint, censura illico anathematis ut rebelles et contumaces feriuntur. Si vero ad diem venire, quoties vocati erunt, perseveraverint, eorum audientias apud iudicum tribunalia impediunt, morasque et subterfugia dilationum et interlocutionum captant, quae perfacile in foris ecclesiasticis obtinentur, quo vel sic longo taedio longaque sui temporis jactura fatigati super futuram vexationem atque impensam pecuniae pactione redimere cogantur. Ita fit pro levi vel nullo delicto, vel pro exiguo debito infinitarum cumulus expensarum.* These complaints appear already in the *Gravamina* of the French Barons, A.D. 1329 (see § 108, note 12), e. g. *Grav. viii*: *Item (officiales) faciunt citari plures laicos ex officio suo super aliquibus, quae sibi imponunt, maleficiis responsuros.—Et quando citati hujusmodi—negabant maleficia,—dicti officiales ipsos detinent captos,—licet in casibus eis impositis pertineat recredentia (récréance), et licet captio et detentio ad eosdem officiales minime pertineat, sed ad iudices saeculares. IX. Item in casibus supradictis licet—iisdem laici reperiantur puri et innocentes, nihilominus dicti officiales nolunt eos expedire donec pro scripturis processuum seu inquesta (enquête) praedictorum satisfactionem fecerint de magna pecuniae quantitate: licet de jure in tali casu eis expensas restituere tenerentur. XXXVII. Item cum quis excommunicatus est in aliquo loco, dicti officiales dant citationes personales super participibus, et faciunt citari totam patriam ad unam vel duas leucas (lieues) circumquaque, vel tales, qui noverrunt excommunicatum bene XL, LX vel centum personae purgaturae se super participatione praedictorum. Ex quo sequitur, quod prohi homines antiqui et senes redimunt se quilibet de XII. denariis vel de duobus solidis pro vitandis expensis et laboribus. XXXVIII. Item dicti officiales imponunt pluribus personis famae laudabilis et honestae vitae, quod sunt usurarii, et oportet eos cum ipsis officialibus concordare pro evitanda eorum infamia et labore. XXXIX. Item dicti officiales faciunt citari aliquem bonum hominem conjugatum, et imponunt ei, quod adulteratus est cum aliqua: et si*

the efforts of the laity to keep the synodal courts within bounds,<sup>3</sup> or to obtain immunity from the synods,<sup>4</sup> became more and more general.

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## SEVENTH CHAPTER.

### HISTORY OF HERETICAL SECTS.

#### § 122.

##### HISTORY OF THE EARLIER SECTS.

The blood-thirsty zeal of the inquisition, in the first half of the fourteenth century, seems to have almost exterminated the Albigenses in Southern France and Italy,<sup>1</sup> and to have driven them

*militer mulierem aliquam conjugatam, imponendo sibi quod adulterata est, in perpetuam infamiam ipsorum conjugum, et cum hoc extorsionem pecuniarum recipiant ab eisdem, etc.*

<sup>3</sup> Thus the archpresbyters of the provinces of Gröningen and Drentha, in 1322, had to give in a deposition as to the extent of their synodal rights (*Monumenta Groningana Veteris Aevi Inedita*, ed. R. Keuchenius Driessen, Stuk I. Groningen, 1822, p. 115); as to the persons who could bring personal grievances before them (clergymen, monks, widows, orphans, tithe-owners); as to the offenses which belonged to their court's jurisdiction, and as to the synodal costs. E. G. p. 117: *De causis per temporales iudices iudicatis nihil ad nos. Omnes banni nostri fuerunt tres librae Groningenses; usurae, perjurii, adulterii, consanguinitatis, compaternitatis, affinitatis, spolia clericorum, monachorum et Religiosorum, Ecclesiarum, cimiteriorum, dupli banni. Laesio sacerdotum, clericorum ordinatorum, monachorum et monialium: triplicabantur banni. Mutilatio, excaecatio, captivatio, occisio clericorum, incendium Ecclesiarum, domorum dotalium et sacerdotum, ad arbitrium Episcopi atque nostrum emendari consuevit. Item de juramentis factis coram iudicibus temporalibus in iudiciis temporalibus non ad nos, nisi constitisset certis indicibus se perjurasse.—Item convictus ab actore et excommunicatus, et nihilominus ex quacunque causa excommunicatus, si infra annum non emendaverat, poena duplicabatur, post duos annos poena triplicabatur, post tres annos invocabatur brachium saeculare.—Insuper Praefectus et Consules in Groninge in Synodis—cum Decano ibidem in Groninge praesidebant, et sententias omnes ibidem emergentes diffiniendas cum sacerdotibus edixerunt.—Denarii scripturales sunt in Groninge quatuor Gronienses, in Anlo duo Gronienses. Praeterea nullas actiones seu querelas pro quacunque causa audivimus seu citare consuevimus praeter in Synodo posteriori et priori (in the spring and in the autumn).*

<sup>4</sup> Compare vol. 2, § 83, note 4. Thus in 1357, the city of Marburg also appeared as free from synodal jurisdiction; see Kopp's *Nachricht von den Geistl. u. Civilgerichten in Hessen*, Th. 1, s. 183.

<sup>1</sup> In the *Liber Sententiarum Inquisitionis Tolosanae*, ab anno Chr. 1307 ad annum 1323, published at the end of Ph. a Limborech *Hist. Inquisitionis*, many *Sententiae contra Albigenses* are to be found. Compare *Hist. Générale de Languedoc*, iv. 183. C. Schmidt, *Histoire et Doctrine de la Secte des Cathares ou Albigeois* (Paris et Genève, 2 t. 1849), i. 354. As regards Italy, see Schmidt, i. 186. In northern France, Spain, and Germany, in this period, there are no more traces of the Cathari to be found.—Accord-

into the eastern countries. In Bosnia, the largest part of the population professed the Catharic heresy, which, tolerated, and at times even professed, by the lords of the land, spread itself from this into the surrounding countries.<sup>2</sup> The kings of Hungary, as supreme lords of these countries, were incessantly required by the popes to take steps against the heretics; but these efforts remained fruitless.<sup>3</sup> The Waldenses, in spite of all the persecutions they underwent in Southern France, and especially in the valleys of Piedmont, to which they had withdrawn themselves, were not exterminated;<sup>4</sup> but they were now also more widely diffused in Germany, and, toward the end of the fourteenth century, made their appearance in many parts of this country.<sup>5</sup> The rest of the

ing to Schmidt (1, 360, ii, 307), the *Cagots*, a race detested and shunned of all, living in Navarre, Béarn, Gascony, etc. (compare Fr. Michel, *Histoire des Races Maudites en France et en Espagne*, 2 vol. Paris, 1847), were descendants of the Albigenses, who were obliged as penitents to submit to manifold humiliations, and bequeathed to their children the universal contempt in which they were held. In a letter to Leo X., A.D. 1514, the Cagots themselves derive their own origin from the Albigenses (Michel, ii, 220).

<sup>2</sup> Before this time in Croatia, Slavonia, Dalmatia, now also in Albania and Rascia. Compare Schmidt, i, 125.

<sup>3</sup> Lewis I., king of Hungary, subdued the Bosnians and Bulgarians, in 1359, and forced them to receive baptism; but soon after the heresy reappeared, and when Stephen Twartko had made himself independent and risen to be king of Bosnia, in 1376, it was again predominant. Schmidt, i, 130.

<sup>4</sup> Compare the letter of John XXII., to the inquisitor at Marseilles, A.D. 1332, in Raynald, ad h. a. no. 81: in vallibus Lucernae et Perusiae,—Philippi de Sabaudia—temporali dominio subjectis, ita creverunt et multiplicati sunt haeretici, praecipue de secta Waldensium, quod frequenter congregationes per modum capituli facere inibi praesumpserunt, in quibus aliquando quingenti Waldenses fuerunt in simul congregati; quodque dudum—dicti Waldenses contra ipsum Albertum Inquisitorem manu insurrexerunt armata, et quod quadam die quondam Guilelmum rectorem parochialis Ecclesiae de Engravia Taurinensis dioecesis, celebrata Missa per eum in platea dictae villae nequiter occiderunt, etc. In the year 1403, St. Vincentius Ferrerius was engaged in these valleys with their conversion (Raynald, ad h. a. no. 24). On their continuance in Southern France, down to 1323, see *Liber Sententiarum Inquis. Tolos.*, at the end of Limborch. In the year 1355, Benedict XII. instituted a persecution against them in Dauphiny (Raynald, ad h. a. no. 63), but, in 1373, a *maxima multitudo* was still to be found there (see Gregorii P. XI. Ep. ad Carol V. in Raynald, 1373, no. 20); and in 1375 they were violently persecuted there (Raynald, ad h. a. no. 26).

<sup>5</sup> In Mayence, *Limburger Chronik* (written in 1398, published by Vogel, Marburg, 1828, s. 104): "In dieser Zeit (1389) ward zu Mayntz ein Unglaub offenbar, der hatte heimlich gewahrt mehr dann 600 Jar oder langer. Dieser Unglaub u. Articul war also, dass man nimmer nicht andere Heilige anruffen solte, dann sie beteten vor niemand. Item sie hielten, dass zween Wege wären, wann ein Mensch gestorben wäre, so führe er gen Himmel oder in die Höll. Item hielten sie in ihren Sitten, dass ein purer Laye mögte also wohl consecriren als ein Pfaff. Item sie hielten, dass der Bischoff oder der Pabst kein Ablass möchte geben. Item hielten sie, dass das Gebott Allmosen geben, Messen und Fasten, das hüffe alles nichts die Seelen, denen man das nachthäte." *Petri Mersaei Cratopolii Electorum Ecclesiasticorum i. e. Coloniensium, Moguntinensium ac Trevirensium Catalogus*, Colon. Agripp. 1580, p. 212: Under Conrad, archbishop of

sects dissenting from the dominant Church were designated by the common name of Beghards. Among these, the Fratricelli, and the Brothers and Sisters of the Free Spirit, formed the two principal tendencies. Among the Beghards of Southern France, Italy, and Sicily, the characteristics of the Fratricelli prevailed.<sup>6</sup>

Mayence (from 1388 to 1395), 86 cives Moguntini, Waldensium fratrum sectam professi, Bingam adducti et ibi combusti sunt. Serarius Rer. Mogunt. lib. v. p. 867, makes mention of Waldenses at Mayence in 1395. Some heretics were persecuted at Augsburg in 1393, whom Gassarus (Ann. Augstburgenses in Mencken Scriptt. Rer. Germ. i. 1538) calls *Wittklyfftas*; Crusius (Ann. Suev. P. iii. lib. 6, c. 4) calls them Waldenses. A contemporary notice of them (published by prelate Schmidt, in Stäudlin's u. Tschirner's Archiv. f. Kirchengesch. II. ii. 349) assigns them no particular name, and attributes to them the same heresies which the Limburg Chronicle does to the inhabitants of Mayence, only more at length. Besides: Item quidam crediderunt, sectam eorum manere usque in futurum iudicium secreta tum usque ad adventum Heliae et Enoch, et tunc manifestarentur, et genera omnia congregarentur in eadem secta. They rejected capital punishment and the oath. Item dicunt, *Apostolos* eorum, quos habent, posse consecrare corpus Christi. Forty-six of these were placed under penance in Augsburg, forty in Werdea (Wörth?), but sixteen of these soon relapsed and were burned to death. Episcopus recepit bona eorum male sibi, pauperes fuerunt dimissi, divites combusti. Two were burned to death in Dinkelspühl, and a number also in Wemdingen. Et sic eodem anno in diversis terris et villis inventi sunt plurimi haeretici ejusdem sectae, et multi cruce signati, et multi apostatati et combusti, et etiam quam plurimi signum crucis pro poenitentia accipientes fidem dereliquerunt, et patriam derelinquentes recesserunt. Et sic inventi sunt in diversis civitatibus et villis in *Suevia, Bavaria, et Franco-sia* multi haeretici de eadem secta. Tamen finaliter inventum est, quod domini illorum, qui combusti fuerunt, receperunt bona ipsorum, et pauperes dimiserunt.—In Strasburg, as early as 1374, there was a secret community of like profession; in 1400 it was persecuted (extracts from the minutes, extant in manuscript, are given by Röhrich in Illgen's Zeitschr. f. d. hist. Theol. 1840, I. 144. Schmidt, u. s. III. 69). They had masters, traveling preachers (twelve Botten, i. e. Apostles, probably not exactly twelve), who were their chief priests and confessors (see Yvonetus, vol. 2, § 90, note 29), and whom the Catholics called *Winkler* (conventicle men), from their secret assemblies—a name which was afterward extended to all members of the sect. The masters were chosen from them, and had to take a vow of chastity and poverty. The sect had also adherents in Nördlingen, Ratisbon, Augsburg, Tisingen in Swabia, Solothurn, Bern, Weissenburg, Hagenau, Speyer, Holzhausen near Frankfort-on-Maine, the Swabian Wörth, Friedberg, Mayence, and Vienna. Their schools, in which was prayer, confession, preaching from great books, and instruction on all points of the heresy, are mentioned at Strasburg, Hagenau, and Mayence, private houses and lodgings at Offenburg and Lahr. In 1399 men of the same persuasion were discovered and converted at Bern and Friburg in Switzerland (Hottinger's Helvetische Kirchengeschichte, ii. 204). At Steyer in Austria, in 1397, a hundred heretics were burned to death, others were placed under penance; a contemporary Austrian chronicler, in Pezii Scriptt. Austr. i. 1157, calls them *Waldenses* (Cf. Viti Arenpeck, in Pez. i. 1244. Preuenhuber, Ann. Styrenses, p. 72). Flacius (Catal. Test. Francof. 1666, p. 639) says that he had a roll of minutes of an examination held in Pomerania, and the March, A.D. 1391, upon 443 Waldenses. The ancestors of many of them had belonged to this sect; teachers had come to them out of Bohemia from time to time. However, Flacius, always ready to discover *sectas veritatis*, and to attribute the immoral doctrines of the heretics to the invention of the inquisitors, has probably here pronounced certain professors of the Free Spirit to be Waldenses; for in Northern Germany the former frequently appear, but not the latter.

<sup>6</sup> Compare above, § 113, note 3. Thus the Beguins in the Liber Sententiarum Inquis.

The German Beghards, frequently also called Lollards,<sup>7</sup> were, on the contrary, for the most part professors of the Free Spirit;<sup>8</sup> they

Tolos., in Limborch, p. 298 and 381, are called collectively Beguini, qui se dicunt esse de tertio ordine S. Francisci.

<sup>7</sup> See above, § 116, note 5.

<sup>8</sup> Their head-quarters were at Cologne, where the Archbishop Henry, of Virneburg, in 1306, issued a decree against them (Mosheim de Beghardis et Beguinabus, p. 210). About the year 1325 they underwent a bloody persecution here; compare the Chron. ad ann. 1327, by the contemporary, Johannes Victoriensis (abbot of Victring, near Klagenfurt), in Böhmer's Fontes Rerum Germ. i. 401. It is the Chron. Leobitense, in Pex, l.): Viri et mulieres diversi status in noctis medio ad locum quendam subterraneum, quod templum dicebant, convenerunt. Et quidam *Waltherus* nomine, daemonalis sacerdos, Missae officium celebrare visus est, et post elevationem sermone habito, extinctis luminibus, quilibet sibi proximam cognoscebat: et post epulis deliciosissime vacantes, choreas ducebant, et gaudia maxima peragebant, dicentes, hunc statum statui Paradisi et primis parentibus ante lapsum esse conformem. Idem autem, qui erroris caput extitit, se Christum dixit, pulcrum quandam et nobilem donicellam Mariam asseruit.—Matrimonium cum personis quantumcunque proximis licitum, Christum non de Virgine natum, nihil esse jejunium, Deum non esse natum neque passum, turpiter disputavit, et multa fidei sacratissimae contraria grunniebat. Degradatus, damnatus usque ad astionem non respicit, mentitus est etiam, die se tertia surrecturum (according to Trithemii Chron. Hirsaug. ii. 155, Walter was burned to death in 1322). Compare the Chron. ad ann. 1325, of another contemporary, Willelmi Egmondani Chron. ad ann. 1325, in Ant. Matthaei Veteris Aevi Analecta, ii. 643: Eodem anno Begardorum nequitia, quas diversis mundi climatibus hactenus latere cernitur, apud Coloniam propalatur. Isti enim eorum ibidem stultitiam praedicantes, et matronas varias ad ipsorum ludibria contrahentes sub terra quoddam mirabile habitaculum fecerant, quod *Paradysum* vocabant.—Ad quem locum, ut saepius, etiam in nocte Parasceues convenire decreverant, ubi cujusdam potentis uxorem cum caeteris invitabant. However, the husband followed his wife thither, cujusdam Lollardi habitu indutus. In the assembly a certain person came forward, nititur surgere, in Jesu suaeque matris Mariae, ut aiebat, praesentia erroris materiam propalare. Duo enim—ibidem aderant, qui se Mariam et ejus filium asserbant. Dicitus itaque nudus praedicans, et omnes more innocentum ad nuditatem exhortans, vario errore tam prima quam media nititur detegere, et conclusionem tenebris, extinctione candelarum videlicet, deturpare, whereupon shameful licentiousness was practiced. The man who entered in disguise afterward divulged the matter. Capiuntur igitur—hujus sectae singuli, quorum corpus aut ignis voragine aut Rheni flumine suffocatur. The connection of the doctrine which the Dominican Eccard preached with that of this sect (according to the modern expression, they were the right and left sides of the same school), and the inefficacy of its condemnation by the Pope (see § 117, note 8), could not but be favorable to the sect. So both Archbishop Walram, in 1335 (Mosheim, p. 294), and his successor William, in 1357, had to renew the decree of his predecessor against the—Beggardos et Schwestriones, quia hujusmodi hominum perniciose de novo incipit in nostra civitate et dioecesi invalescere multitudo (Mosheim, p. 330).—In Strasburg, Bishop John issued an ordinance against them, A. D. 1317 (Mosheim, p. 255): in the year 1366 several more of them were burned to death there (Mosheim, p. 332).—In 1339, three Beghards were burned at Constance (Vitoduranus, p. 76); also at Speyer, in 1356, Berthold, called—haeresiarcha ex eorum secta, who had formerly been active for his sect in Franconia (Jo. Trithemii Chron. Hirsaug. ii. 231). At Bern, a man from Bremgarten, Löffler by name, was burned to death in 1374, "der ward funden u. bewiset in bösem Ketzerglouben, den die haltent, die man nempt des fryen Geistes." When he saw the stake, he said, "ich sich nit so viel Holzes, damit man mich verbrennen müge;" he expected miraculous aid (Justinger's Berner Chronik, published by Stierlin and Wyras, Bern, 1819, s. 194).—But about this time they were already wide-spread in Northern

derived no slight impulse from their connection with the German mystics of this period; for, standing on the same speculative foundation with them, they erected upon it a renunciation of obedience not only to the Church, but also to the moral law.<sup>9</sup> To them also belonged the Adamites, who made their appearance in Austria,<sup>10</sup> A.D. 1312; the Luciferians, who appeared in Angermünde

Germany also; in Magdeburg, the March, Thuringia, etc. See below, note 11.—With regard to a certain William, burned at Lübeck, in 1402, see the notice of two contemporaries, Herm. Coerneri Chron., in Eccardi Corp. Scriptt. Med. Aevi, ii. 1185, and Rufus Chron. in Grautoff's Lübeck. Chroniken, ii. 463. *Coerner*: Wilhelmus quidam, albis vestibus indutus, et pro Apostolo se gerens. He was discovered—per varia impudicitiae signa et verba diversis personis expressa, et turpia exercitia cum pluribus habita. Propter quod a bonis et honestis mulieribus accusabatur apud Inquisitorem haereticae pravitatis. *Rufus*: "He heelt sik vor enen Apostel, unde hadde ein uthwendich strenge Levent. He wart velen Luden hemelik umme sines uthwendigen guden Schynes willen, men van en bynnen was he vul Drechnisse unde Unloven; he bedref vele Boverie under boser Bedeckinge, unde bedroch mennigen guden Mynschen." The inquisitor found him guilty in eighty articles of heresy. Among these were: "Unkusheit was em nen Sunde, van der Vasten heelt he nicht, der hilgen Kerken Bode (Gebote) helt he vor nicht, unde heelt sik sulven so vullekomen also sunte Johannis Baptista was."

<sup>9</sup> The bull of John XXII., *In agro dominico*, A.D. 1330, against the Beghards (in Coerneri Chron., in Eccardi Corp. Scriptt. Medii Aevi, ii. 1036, in Mosheim de Beghards, p. 284), can not be fitly alleged as an authentic source of information about the peculiar doctrines of the sect. It contains for the most part the positions of Eccard, which, although agreeing with their doctrine in fundamentals, had at least a different coloring (see § 117, note 8). On the doctrine of the sect of the Free Spirit, see vol. 2, § 90, note 85. Gerson, *De Libris caute Legendis* (Opp. i. 114), states the—error de lege et spiritu libertatis, sub qua Begardi et Begardae nefanda et abominabilia perpetrarunt facinora, to this effect, quod anima perfecta reducta in Deum perdit suum velle, ita quod nihil habet velle vel nolle, nisi velle divinum, quale habuit ab aeterno in esse ideali divino. Quo habito dicunt consequenter se posse agere quicquid carnalis affectio deposcit sine peccato vel crimine, cum ex praecedenti non habeant velle et nolle. Diversificatur autem modus iste, quoniam sufficit aliquibus, ut sub Deo solo suam totaliter vel taliter abnegent voluntatem, in qua abnegatione dicunt summam consistere perfectionem. Sunt alii rudiores idiotae et simplices, qui seducti per astutos faciunt hanc abnegationem propriae voluntatis per modum professionis et obedientiae in manibus illorum. Qua facta promittunt astuti tales et perversi, quod amplius peccare nequeunt; sub quo praetextu perpetrant innumerabiles nec referendas abominaciones. To live as a part of the all-one, i. e. of God, was to them the highest calling of man. Every inclination, every will of the man conscious of this union, was divine; every law repugnant to these inclinations dissolved this unity. Man before the fall appeared to them to have possessed this consciousness in all its purity: they wished to restore it. Hence their nudity in their assemblies, the name of Paradise for their place of meeting, instead of marriage their *conubitus promiscuus* (compare note 8), for marriage as a *special* connection seemed to divide the universal unity. How Ruysbroek, who must have felt the necessity of clearly marking the distinction between his doctrine and that of the Free Spirit, because of their very similitarity, describes and controverts the latter, see Engelhardt's *Richard v. St. Victor and Joh. Ruysbroek*, s. 224.

<sup>10</sup> See Anonymi auctoris *Brevis Narratio de nefanda haeresi Adamitica in variis Austriae locis saeculo xiv. grassante*, in Pezii *Scriptt. Rerum Austriac.* ii. 533: In the year 1312 many heretics were discovered, and several burned at Krems, St. Pölten, and Vienna. Their offenses were: Primus casus est, quod comparabant Missas Luciferi, credentes et dicentes, quod ipse adhuc cum Michaele configeret, et de eo triumpharet, et



in 1336;<sup>11</sup> and the Turlupines also, who were exterminated in the Isle of France, A.D. 1372.<sup>12</sup> The teachers of these sects wan-

quod tunc Lucifer, Angelique sui apostatae cum credentibus, h. e. cum haereticis, aeterna gaudia possideant. Secundus casus est: Sanctus autem Michael cum suis Angelis in beatitudine jam existentibus, suisque credentibus, aeterno deputetur incendio puniendus. Item dicunt se habere XVI. Apostolos, annis singulis—climata mundi perlustrantes, ex quibus annuatim Paradisum introeant, auctoritatem ligandi et solvendi ab Helia et Enoch recipiant, quam suis possent communicare credentibus. They denied the virginity of Mary, rejected the sacraments and liturgy of the Church, denounced the clergy. Quintam feriam noctem insomnem, diemque Parasceues in luxuria et voluptate, ac dissolutione repletionisque ventris in esu carniarum—transigebant (because the Church kept the strictest fasts on these days). Their feigned observance of Catholic usages, secret countersigns; e. g. one of those who were burned at St. Pölten, said: fateor hodie, si fides nostra per XV. annos in suo robore perstitisset, cogitavimus eam publice praedicare, ac manu valida defensare. It was further remarked: raro est apud eos homo cujuscunque sexus, qui textum Novi Testamenti non sciat cordetenus in vulgari. They resisted, on occasion of a later persecution; see Catalogus Abbatum Glunicensium, in Pez, ii. 330: anno 1388 in civitate Laureacensi et Styrensi, aliisque vicinis locis suborta est inquisitio haereticorum, et ab istis econtra persecutio Catholicorum, praesertim Cleri et Religiosorum. Jo. Vitoduranus also, p. 44 and 45, ad ann. 1336, makes mention of these Austrian heretics, and describes their assemblies—in hypogeis sive aliis quibusque locis subterraneis—in a fabulous manner. The name Adamite, which frequently occurs in Bohemia, in the 15th century, arose about this time. The contemporary John, abbot of Victring, after describing the heretics of Cologne (see note 8), says: Haec haeresis Adamiana dici potest, cujus Isidorus fecit mentionem in libro Etymologiarum, dicens: "Adamiani vocati sunt, quia Adae imitantur nuditatem, unde nudi erant, et nudi inter se mares et foeminae conveniunt." Fuit etiam hoc tempore in multis locis circa metas Austriae et Bohemiae zizania multiplex in medio tritici seminata, et pulchritudo agrorum Ecclesiae defoedata. Qui sub terra in specubus se dicunt non peccare, nec absolutione egere, eo quod Dominus Petro dixerit: "Quodcunque ligaveris super terram, et solveris, etc."

<sup>11</sup> Chronicon Magdeb. apud Meibom. ii. 340: Eo tempore (1336), in civitate Magdeburg deprehensae sunt quaedam Beghinae de his, quae se de alto spiritu appellant.—Otto Archiepiscopus—invenit eas nonnullos profanos et execrandos articulos temere profitentes in blasphemiam Christi et Sanctorum, quos etiam articulos ob eorum detestabilitatem dignum non duxi scripto commendare.—Circa idem tempus—in Angermundis plures personas utriusque sexus invenerunt, de haeresi *Luciferanorum* suspectas. Fourteen persons were burned. Circa idem tempus quidam Begardus haereticus nomine Constantinus inter alias suas vesanias asseruit, se esse filium Dei sicut Christum sine aliqua distinctione. Iste—in foro Erfordiae solemniter est crematus. Afterward, in 1367, the sect was—abolita et deleta—in Magdeburg and Erfurt, by the inquisitor, Walter Kerling, propter articulos nefandos et haereticos in constitutionibus Clementinis titulo de haereticis capitulo *Ad nostrum dudum damnatos* (Supplement to the Chron. Magd. in Mencken, Scriptt. Rer. Germ. iii. 370. Compare § 115, note 6). In 1369, the Emperor Charles IV. boasted that the Beghards and Beguins had been exterminated by this inquisitor in the ecclesiastical provinces of Magdeburg and Bremen, in Thuringia, Saxony, and Hesse; Mosheim de Beghardis, p. 338. Angermünde long retained the name of Ketzler-Angermünde: there were fourteen heretic villages in the Neumark.

<sup>12</sup> Mosheim de Beghardis, p. 413 ss. So Gregorii XI. Ep. ad Carolum V., in Raynald. ann. 1373, no. 19: secta Begardorum, qui alias Turlupini dicuntur. Jo. Gersonii Sermo de S. Ludovico (Opp. ed du Pin. iii. 1435): Begardi et Turilupini de nulla re naturaliter data erubescendum esse dicebant. Id. de examinat. doctrinarum, P. ii. Cons. 6, in the year 1423 (i. 19): sicut nulla est vehementior quam luxuriosa libido, sic ad errandum falsumque docendum nulla perniciosior. Patuit in sectis Turelupinorum, quarum re-

dered from place to place, in imitation of the Apostles. They were called apostles by their followers,<sup>13</sup> and labored, by teaching and writing,<sup>14</sup> for the extension of their sect. So, too, the apostles of the Waldenses and the sect of the Free Spirit made their appearance in Germany; and it was owing to their activity that

quaces non desunt usque hodie, quando et ubi latere putaverint serpunt ubilibet. Ch. Schmidt, *Essai sur J. Gerson*, Strasb. 1839, p. 101.

<sup>13</sup> Particularly were the wandering teachers of the sect of the Free Spirit so called: compare the decree of Henry I., archbishop of Cologne, A.D. 1306, against the—Begardos et Begardas et Apostolos vulgariter appellatos (Mosheim de Beghardis, p. 212), and that of the Council of Trèves, A.D. 1310, against the—rusticos, qui se Apostolos appellant (ibid. p. 222). So also William at Lübeck called himself an apostle, see note 8. Conradus de Monte Puellarum, canon at Ratisbon in the 14th century, describes these apostles, in a fragment published by Gretser (at the end of Rainerius contra Waldenses, Ingolst. 1613. 4, also in the Biblioth. Patrum Lugd. xxv. 310): Sunt enim hujusmodi viri rustici, et plerique mechanici, corpore robusti, et literarum omnino inexperti ac penitus idiotae, aut si literas aliquantulum norunt, tenuissimum tamen est, quod sciunt. Hi opera manualia suorum postponentes artificiorum, cucullati gyrovagando provincias per diversas incedunt, et latebras quaerunt occultas, praecipue hospitibus Beginarum inhiantes, eo quod simile suo simili complaudat. Quibus pro nocturno receptaculo in prima congressione malitiae suae, coloratis verbis, insanas et ut plurimum infectivas seminant doctrinas. At illae illorum in crastino promotrices, seu ut verius dicam copulatrices, ostiatim per domos curant mulierum, intimando sub arcani sigillo, asserentes, angelum verbi divini adesse occultum, quoadusque conventicula eisdem hypocritis placita congregatur. Quibus secretissime convenientibus in unum, labia suae malitiae resolvunt, de attributis in divinis atque de proprietatibus divinae bonitatis disserendo. Et sic paulatim descendendo affirmant, qualiter ex pietate divina homo ad Dei imaginem creatus existat, et tantum mereri valeat per exercitium bonorum operum, ut Christo, Domino nostro, in humana anima sua aequè perfectus quis efficiatur. Taliū etenim unum de Suevia natum ego in Ratispona reperi, qui jam praedictum et articulos alios in Clementinis prohibitos sub titulo de Haereticis *Ad nostrum* (Clementin. lib. v. tit. 3. c. 8) diligenter affirmabat, etc. The wandering teachers of the Waldenses also, the real *Pauperes de Lugduno*, were held by their disciples to be successors of the Apostles (see Yvonetus, in vol. 2, § 90, note 29) and sometimes even called apostles; so at Augsburg and Strasburg, above, note 5. The apostles of the Beghards beyond doubt always commenced with a kind of Waldensian doctrine, and did not avow until later the doctrine of the Free Spirit. Thus it was easily possible to confound them with one another.

<sup>14</sup> So Gerson (De Distinctione Verarum Visionum a Falsis, Opp. i. 55) makes mention of a—libellus incredibili paene subtilitate ab una foemina compositus, quae Maria Valenciennes (a Beguine) dicebatur. Haec agit de praerogativa et eminentia dilectionis divinae, ad quam si quis devenit, fit secundum eam ab omni lege praeceptorum solutus, adducens pro se illud ab Apostolo sumptum: *caritatem habe, et fac quod vis*. In Germany, also, disciples of the Free Spirit published works in German. Thus Walter, who was burned at Cologne in 1322, see Trithemii Chron. Hirsaug. li. 155; Lohareus [*Lohardus*] autem ille Waltherus, natione Hollandinus, latini sermonis parvam habebat notitiam, et quia Romano non potuit, sermone sibi teuthonico plures sui erroris libellos conscripsit, quos deceptis per se occultissime communicavit. On Gerhardi Beghardi Tract. de Spiritualī Exercitatione Reparationis Lapsus, see Mosheim de Beghardis, p. 376. Also a work, *Of the Nine Spiritual Rocks*, probably belongs to them (see § 117, note 8). Compare the edict of the Emperor Charles IV., A.D. 1369 (in Mosheim, p. 369): Attendentes,—quod in partibus Alemanniae propter sermones, tractatus et alios libros in vulgari scriptos, inter personas laicas vel paene laicas dispersos, quos libros ut plurimum vel vitiosos, erroneos ac lepra haeresis infectos laici legentes—a veritate au-

the inquisition, after a long interval, was awakened to new energy also in this country.<sup>15</sup>

### § 123.

#### FLAGELLANTS.

[Jac. Boileau] *Historia Flagellantium, de recto et perverso flagrorum usu apud Christianos.* Paris, 1700. 12. Chr., Schoettgen *de secta Flagellantium commentatio.* Lips. 1711. 8.—Especially Dr. E. G. Förstemann *die christl. Geisselergesellschaften.* Halle, 1823. 8.—Compare also Mohnike *über die Geisselergesellsch. in Ilgen's Zeitschr. f. d. hist. Theol.* III. ii. 245. Hahn's *Gesch. d. Ketz. im Mittelalter,* ii. 537.

Although forgiveness for sin might now be easily obtained of the Church in other ways, still flagellation was not only greatly admired among the religious, but was also held in such high estimation by the common people, that, in case of any calamity or plague, they thought they could propitiate the supposed wrath of God in no more effectual manner than by scourging and processions of scourgers;<sup>1</sup> just as though the ordinary ecclesiastical means of expiation were insufficient for extraordinary cases. A decided mistrust of ecclesiastical intercession, and of the clergy who dispensed it, prevailed among the societies of flagellants.<sup>2</sup> Roused to activity by the plague that passed from Asia over into Europe in the year 1348, and spread devastation every where,<sup>3</sup>

*ditum avertunt.—Qua propter districte praecipiendo mandamus universis,—quatenus in recipiendis, exigendis hujusmodi libris vulgari scriptis,—praesertim cum laicis utriusque sexus secundum canonicas sanctiones etiam libris vulgaribus quibuscunque de sacra Scriptura uti non liceat* (see Vol. 2, § 89, note 41),—*assistatis Inquisitoribus, etc.*

<sup>15</sup> About 1367, Urban V. appointed two Dominicans to be inquisitors for Germany (Mosheim *de Beghardis,* p. 335), one of whom, Walter Kerling, soon made himself an object of dread to the Beghards. Charles IV., A.D. 1369, lent the inquisitors the most powerful support in three edicts (Mosheim, p. 343). Gregory XI. increased the number of the inquisitors for Germany to five (Mosheim, p. 380); Boniface IX., in 1399, increased the number for North Germany alone to six (Mosheim, p. 384).

<sup>1</sup> On the pilgrimages of Flagellants in Italy in the years 1334 and 1350, see Förstemann, s. 54.

<sup>2</sup> On these scourgers, *Cross-brethren, Cruciferi, Flagellatores, Flagellantes* (in Pomerania they were called *Loiskenbrüder* from the lays which they sang; see Mohnike in Ilgen's *Zeitschr. f. d. hist. Theol.* 1833, ii. 263, 267), see Heinr. a Rebdorff *Annales ad ann. 1349; Matthiae Neoburg,* in the continuation of Albertus Argent., in Urstadius, ii. 147; *Limpurgische Chronik,* s. 10; Henricus de Hervordia in Bruns *Beiträge aus alten Handschriften St. 3,* s. 294; Closener's *Strassburg. Chronik* (in the Biblioth. d. literar. Vereins in Stuttgart, l. 83. This part was also published by C. Schmidt in the *Theol. Studien u. Krit.* 1837, iv. 889, and by L. Schneegans, *Le grand Pelerinage des Flagellants à Strasbourg en 1349, Strasb. 1837, frei bearbeitet v. C. Tischendorf, Leipzig 1846.* The section on the Flagellants in Königsheven's *Chronik.* s. 297, is only an extract from Closener).

<sup>3</sup> Called in Germany the Great Death; in the north the Black Death. See upon this

ever since the beginning of the year 1349, they had been spreading from the Hungarian frontier over the whole of Germany,<sup>4</sup> and found entrance even into the neighboring countries. They rehearsed a message from Christ, which was said to have been brought down from heaven by an angel to Jerusalem,<sup>5</sup> in which the wrath of God was denounced against the sins of men, and penance by scourging enjoined as the only atonement. They practiced this penance according to a fixed rule, without the co-operation of the clergy, under the guidance of Masters, *Magistri*,<sup>6</sup> and made no secret of the fact that they held the ecclesiastical means of salvation in much lower estimation than the penance by the scourge. Clement VI. put an end to the public processions of flagellants, which were already widely prevalent;<sup>8</sup> but penance by the scourge

Kurt Sprengel's Beiträge zur Gesch. der Medicin, i. 1, 86. Der Schwarze Tod im 14ten Jahrh., nach den Quellen bearbeitet, von Dr. Hecker, Berlin, 1832.

<sup>4</sup> According to their own statement, in Closener, s. 94, they came from Hungary to Meissen, and then extended to Brandenburg, Eisenach, Würzburg, Hall, Eslingen, Kalw, etc. With this agrees the fact that they already appeared in Austria as early as New Year, 1349 (Chron. Zwetlense in Rauch Scriptt. rer. Austr. ii. 824); about Easter in Magdeburg (see the account in the Magdeburg Schöppenchronik, in v. d. Hagen's Germania, iv. 128); about the same time in Lübeck (Detmar's Chronik, herausg. v. Grautoff, i. 275); fourteen days after St. John's day at Strasburg (Closener, s. 88).

<sup>5</sup> This letter may be found in German, in Closener *ibid.*, published in Latin by Stumpf, in Förstemann's Neue Mittheilungen aus dem Gebiete histor. antiquar. Forschungen, ii. 9.

<sup>6</sup> Closener, s. 85: Sû hettent auch eine gesetzed, daz sû pfaffen möhtent under in han, aber ir keinre solte Meister under in sine, noch an iren heimelichen rot gon.—The Masters conferred an absolution; the mutual scourgings always began with the Master striking them, man by man, as they lay on the ground, and saying:

Stant uf durch der reinen martel ere,  
und hüte dich vor der sünden mere.

Heinr. a Rebdorff ad ann. 1349: Isti Flagellatores cum multis superstitiones attentare praesumerent, nimirum invicem se absolvere a peccatis, praedicantes apocrypha et similia, propter quod Laici sunt Clero graviter indignati.

<sup>7</sup> In the lay of the Flagellants, first published entire in a Low German text, by Dr. H. F. Massmann (Erläuterungen zum Wessobrunner Gebet, Berlin, 1824, s. 39; Förstemann s. 267), is also given in High German, in Closener's Chronik (some verses are in the Flemish dialect in Willems Oude Vlaemsche Liederen, Gent 1848, p. 42); the following passage occurs toward the end in the Low German text:

Were dusse bote (Buße) nicht geworden,  
de Christenheit wer gar vorsvunden,  
de leyde Duvel (leidige Teufel) hat se gebunden  
Maria had lost unsen bant.

<sup>8</sup> The bull of the 20th October, 1349, addressed to the German archbishops, is in Jo. Trithemii Chron. Hirsaug. ii. 209, and in Raynald. ann. 1349, no. 20: Sane molesta nobis—relatio—nostrum—turbavit auditum, quod in partibus regni Germaniae et ei vicinias quaedam sub praetextu devotionis et agenda poenitentiae vana religio et superstitione adinventio—surrexerit, per quam profana multitudo simplicium hominum, qui

was only thus forced into concealment. In Thuringia, Conrad Schmidt,<sup>9</sup> one of their masters, shaped into a connected system of heretical doctrine their detestation of the Church—which, they said, persecuted out of selfishness a work most pleasing to God:<sup>10</sup>

se Flagellatores appellant, decepta verbis fictis et mendacibus malignorum, asserentium Salvatorem nostrum Jerosolymis Patriarchae Jerosolymitano apparuisse (cum tamen a longis citra temporibus nullus ibidem praesentialiter fuerit Patriarcha), et sibi aliqua dixisse, quae colorem non habentia nec saporem, in quibusdam Scripturae sacrae obviare noscuntur, in illam cordis vesanium et animae damnationis praecipitium est deducta;—quod se per societates et conventicula—dividens diversas circumvit patrias, caeterorum vitam et statum contemnendo se justificant, et claves Ecclesiae villipendunt, ac in contemptum disciplinae ecclesiasticae crucem Domini ante se, et habitum certum, nigrum videlicet, ante et retro ipsius vivificae crucis appensum habentem signaculum, sine superioris licentia deferentes, sub nomine poenitentiae vitam gerunt insolitam; congregationes, conventicula et coadunationes, quae a jure sunt prohibita, faciunt, et ad alios actus prosiliunt, a vita et moribus observantiaque fidelium Christianorum penitus alienos; ordinationes etiam et statuta, quibus utuntur, imo verius abutuntur, propria temeritate fecerunt, erroris suspicione non vacua et judicio rationis carentia. But after the prohibition comes also the limitation: Per praedicta tamen nequaquam intendimus prohibere, quin Christifideles impositam sibi poenitentiam, vel etiam non impositam, dummodo recta intentione et pura devotione ad illam peragendam procedant, in suis hospitibus, vel alias, absque superstitiosis congregationibus, societatibus et conventiculis supradictis possint facere.

<sup>9</sup> His doctrine and prophecies may be seen in Förstemann's *Neue Mittheilungen*, ii. 16. He announced the end of the world for the year 1369 (s. 22).

<sup>10</sup> Articuli ab ipsomet Flagellantium Praedicatore Conscripti, in Förstemann's *Neue Mittheil.* fi. 24: Dominus noster J. Chr. primo bonum vinum posuit: modo autem, i. e. praesenti tempore, quod incepit anno incarnationis ejusdem 1349 optimum vinum propinavit, salutare inquam, quod Deum et homines laetificans reconciliat. Hoc vinum est poenitentia Flagellatorum. Haec igitur poenitentia salutaris tam est necessaria, quod nisi quisque fidelis adultus ad minus omni sexta feria, hora qua Christus sanguinem fudit pro homine, ipse sanguinem fundat pro Christo, salvari non poterit. Item ista poenitentia est tam efficax, quod plus potest, quam modo baptismus: nempe propter avaritiam et malitiam sacerdotum baptizantium, qui tales poenitentes non sustinuerunt, imminuta, immo falsificata est vis baptismi, et hanc supplet ista poenitentia. Praeterea ipsa est tam sufficiens, quod confessio illa generalis Deo facta in cursu illius poenitentiae sufficit homini ad salutem, nec requiritur alia facienda sacerdoti propter malum statum sacerdotum praesentium. Haec autem poenitentia novam fidem dictat, et Deum valde delectat.—Est igitur fides nova, scil. ista, quae omnes salvandos salvat, et anti-qua, scil. evangelica, quae omnes damnat. Haec fides ponit, quod baptismus et confessio non sunt necessaria, ut dictum est. Impossibilis est eucharistia: nullus enim sacerdos, postquam praedictos poenitentes propter suam avaritiam repulerunt, et quia turpem vitam et maxime luxuriosam principaliter gerunt, conficere potuit corpus Christi. Quomodo enim mundissimum corpus Christi tractari vellet profanis manibus immundissimi sacerdotis? Item inutilis est unctio extrema. Et ita videtur de aliis sacramentis. Item vana est ecclesiastica sepultura. Nec est aliquid consecratio Ecclesiae vel coemeterii. Item superstitiosa res est quaerere indulgentias. In hac fide nova sic vivas, quod Deum non offendas, sed et pro omni offensa sanguinem tuum fundas, sicut et Christus pro tua offensa sanguinem fudit. Panem illum altaris, quia non est Christus, non adorabis, nec ei aliquem honorem, vel etiam imagini Crucifixi, aut imaginibus Sanctorum impendas.—Cum tamen idem panis praebetur ab altari, cum aliis accipias etiam et tu, ne ipsos scandalizes, et ut latere possis.—The following exhortation is peculiar: Eleemosynam tuam tribue pauperibus, et maxime valet calidus panis. So says also Conrad Schmidt in his *Prophetica* (see note 9): Ir en solt nummen gebacken, ir en sollet uwirn

and thus there now sprang up *heretical flagellants*, sometimes called also by the common name of Beghards;<sup>11</sup> they existed down to the time of the Reformation, especially in Thuringia, as an heretical sect very dangerous to the Church.<sup>12</sup>

This warning example, as well as the mistrust natural to the hierarchy of all spiritual impulses, which did not originate from itself, decided the destiny of the later societies of flagellants. When the Whitemen (*Bianchi*), scourging themselves as they went, descended from the Alps into Italy, in 1399, they were re-

brotis warm geben dorch God, welchir masze ir vörmögit. Das ist uch gud, das was unsem lieben herren beheilich in der alten ee, unde ist öme noch beheilich. For this they refer to Sarah, who (Gen. xviii. 6) set before the Lord new baked bread.

<sup>11</sup> Gregorii XI., Letter to an Inquisitor in Germany, in Raynald. ann. 1372, no. 33: cum, sicut accepimus, pestis illorum haeticorum negantium ecclesiastica sacramenta, qui appellantur Flagellatores, in nonnullis Alamanniae partibus—dicatur exorta, etc. Trithemius in Chron. Hirsaug. ii. 296 records, that in the year 1392 the papal inquisitor in Würzburg had discovered—haeticos nonnullos ex simplicioribus et rusticanis de secta Flagellantium et Fratricellorum, and afterward at Erfurt also—simili pravitate infectos, Beghardos, Beguttas et alios, quorum aliqui cremati sunt ignibus, aliqui vero poenitentiam egerunt super erroribus suis, reliqui fugam inierunt.

<sup>12</sup> An active persecution was commenced against them, A. D. 1414, in Sangerhausen, by the inquisitor and Dominican, Henry Schönefeld. At that time forty-four were burned in Winkel near Sangerhausen, eighty-three in Sangerhausen, etc. Their fifty articles may be seen in Theod. Vrie, Hist. Conc. Const. P. iii. dist. 13 (in v. d. Hardt, Conc. Const. I. i. 126), in Cyr. Spangenberg's Chronik v. Sangerhausen (in Buder's nützl. Sammlung verschiedener meist ungedruckter Schriften, Frankf. u. Leipz. 1735, s. 335, ff.), and in Förstemann's Neue Mittheilungen, ii. 26, from a Huysburger Codex in the library of the University at Halle. Twenty-five other articles, which were reckoned up in Sondershausen at the same time, may be seen in Förstemann, *ibid.* s. 32. They taught that, since the appearance of the flagellants, all ecclesiastical power was taken from the Pope and the clergy. From that time the clergy reigned as Antichrist. The judgment was near; the forerunners, Elias and Enoch, were already come; for a certain flagellant burned at Erfurt in 1366, was Elias; Conrad Schmidt, who had likewise been long dead, was Enoch. To establish these assumptions, they taught, *Artic. Sangerhus.* 38: Deum in principio omnium hominum animas semel creavit, et cum primo homine eas in Paradisum collocavit. 39: Quotiescunque foetus humanus in utero matris animatur, anima de Paradiso per Angelum adducitur et foetui inspiratur. 40: Cum supradictus combustus Erfordiae et praefatus Conradus in maternis visceribus existentes animari debuerint, Angeli de Paradiso venientes uni Eliae, alteri Enoch animas infuderunt, et sic Elias unus veraciter extitit, et Enoch realiter alius fuit. Formerly the flagellants had only assumed that, since their rejection, the priests had lost the power of converting the bread in the Lord's Supper into the body of Christ: henceforth they totally denied the doctrine of transubstantiation, *Artic. Sangerhus.* 15: Quod Deum et corpus Christi non contineat sub se realiter altaris sacramentum. 16: Quod si hoc esset verum, quod in sacramento altaris esset veraciter Christus Deus, diu esset devoratus, etiamsi esset mons ingens et magnus. They also pronounced all oaths sinful, *Artic. Sonderh.* 24 (this they seem to have adopted from the Waldenses): however, they taught, *Artic. Sang.* 43: Quod, quamvis omnia juramenta, qualitercunque fiant, sint peccata mortalia, eligibilis tamen sit, Flagellatores coram Inquisitoribus jurare, et multa committere perjuriam, quam se et sectam prodere; quod possint juramenta et perjuriam postmodum cum flagello expiare.

ceived almost every where with enthusiasm by the clergy and the people; but in the papal territory death awaited their leader, and the rest were thereupon dispersed.<sup>13</sup> St. Vincentius Ferrerius, indeed, a Spanish Dominican, who was probably the prime mover of the penitential pilgrimage of the Bianchi,<sup>14</sup> during his wanderings in Upper Italy, Southern France, and Spain, afterward conducted processions of flagellants;<sup>15</sup> but the prevalent disapproval of them in the Council of Constance<sup>16</sup> induced him also to discontinue them.

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## EIGHTH CHAPTER.

### EFFORTS FOR REFORM.

#### § 124.

##### IN BOHEMIA.

*Die Vorläufer des Hussitentums in Böhmen. Aus den Quellen bearbeitet v. Dr. J. P. Jordan, Leipzig, 1846.*

In proportion as the Papacy grew more powerful and more terrible, the sects which raised themselves against it partook more of the character of passion and superstition, and were rather inclined, as they quite despaired of salvation within the Church, to seek the foundation of their religious faith without her pale. When the power of the Papacy sank in the same degree as its oppression increased, a more prudent direction was given to reform; recognizing the everlasting foundation of Christianity in the

<sup>13</sup> Compare the reports of contemporaries in Förstemann, s. 104; on the execution of the leader, Platina de vitis Pontificum, in vita Bonifacii IX.: Sunt qui scribant hujus fraudem quæstione detectam fuisse, hominemque in tanto facinore deprehensum meritis poenas luisse, igne scilicet, quo exustum ferunt. Sunt etiam qui dicant, nil fraudis in homine deprehensum fuisse, sed id fictum a Pontifice, abolendo rumori, quo hominem per invidiam captum et necatum affirmabant. Utrum verius sit, Deus novit.

<sup>14</sup> Vincent. Ferrer, nach s. Leben u. Wirken dargestellt, v. D. L. Heller, Berlin, 1890, s. 62.

<sup>15</sup> See Acta SS, ad. d. 5, April. I. 475. Förstemann, s. 142 ss. Heller's Vincentius, s. 66.

<sup>16</sup> Heller's Vincentius, s. 120. Jo. Gersonii Epist. ad Mag. Vincentium contra Flagellantes (Opp. ed. du Pin. ii. 658): Crede mihi, Doctor emerite, multi multa loquuntur super prædicationibus tuis, et maxime super illa secta se verberantium, qualem constat præteritis temporibus fuisse pluries et in variis locis reprobam, quam nec approbas, ut testantur noti tui, sed nec efficaciter reprobas. Epist. Petri Card. Cameracensis ad eundem (ibid. p. 659). Jo. Gersonii Tract. contra Sectam flagellantium s. (ibid. p. 660).

Church, it endeavored to rescue her from the abuses which had crept in.

However, the various efforts of the fourteenth century for reform present essential differences. For the most part they aimed only at the restoration of *external* order in the Church; to wit, the limitation of the Papal power, and the restoration of outward chastity and decorum among the clergy, without recognizing the more deeply concealed sources of corruption. The mystics made a nearer approach to the true path of reformation: avoiding all overestimation of divine worship, they set the highest value upon the life of religion in the inner man. But they were satisfied with laying aside whatever did not please them in the Church; they were also incapable, from their one-sided tendencies in the way chiefly of the feelings, of examining and thoroughly judging the position of the Church as a whole.

The genuine reformers were distinguished by the fact that they did not so much regard the corruption in isolated abuses as in the general spirit of the Church, and accordingly strove for a renovation of this spirit. Undoubtedly the later Protestants reckoned among these *testes veritatis* (witnesses to the truth) many who did not belong to their number.<sup>1</sup> There are others who can not, at any rate with certainty, be enrolled among them, because their opinions are only known on isolated points.<sup>2</sup> Nevertheless a gen-

<sup>1</sup> E. g. John Munsinger, rector of the School in Ulm (by Flacius, Catal. Testium Veritatis, no. 315, and several others), because he rejected the adoration of the sacrament. However, the tenets for which Munsinger was pronounced a heretic by the Dominicans at Ulm, in 1385, according to the verdict of the universities of Prague (Schelhorn, *Amoenitates Literariae*, viii. 511), and Vienna (l. c. xi. 222), which were consulted on the occasion, were as follows: Corpus Christi non est Deus. Nulla creatura est adoranda adoratione qua Deus debet adorari, adoratione scil. patriae: But—*hyperdulia* debetur creature excellenti, sicut est caro Christi, b. Virgo, etc. Further: Hostia consecrata non est Deus; but—Deus est *sub* hostia consecrata, corpus ejus, sanguis et anima. That is—per hostiam intelligo accidentia quae sunt in pane, rotunditatem videlicet, saporem et gravitatem. He would not have the consecrated host called absolutely corpus Christi, quia accidentia visa non sunt corpus Christi, licet intus sit corpus Christi. Therefore it was, propter simplices tutius, to say—hic esse corpus Christi sub specie panis. So Munsinger only meant that the species must not be considered to be Christ himself, but he did not by any means deny that Christ must be adored, sub specie panis: accordingly both universities at this time declared his tenets orthodox.

<sup>2</sup> Thus, in Würzburg, A.D. 1342, the layman, Francis Hager (not Conrad Hager, as Flacius, Catal. Test. Verit. no. 305, states), was first obliged to recant the assertion that the sacrifice of masses for the dead was neither meritorious nor availing: and soon after the priest, Hermann Kuchner, who passed for a Beghard, had to recant the other assertion, that popes and bishops, as regards their orders, were neither greater nor any thing



uine spirit of reform diffused itself in Bohemia: starting from a demand for amendment of morals, it soon advanced to the knowledge that the Church was disorganized and required a renovation.

Two preachers of repentance, appearing at Prague about the same time, were the first to gain a powerful influence over the common people; but for this very reason they drew on themselves the hatred of the rest of the clergy. The German, Conrad of Waldhausen (Conradus ab Austria),<sup>3</sup> pastor of the Teynkirche in Prague († 1369), made the mendicants in particular his foes by assailing their abuses.<sup>4</sup> The Moravian, Milicz, of Kremsier,<sup>5</sup> who laid down his ecclesiastical office in 1363, with a view to devote himself to a free apostolical ministry, gave an opportunity of denouncing him as a heretic to the Pope, by teaching that Antichrist was come, and that Christians, wherever it was possible, must communicate daily.<sup>6</sup> He went in person to Avignon, and

otherwise than other priests; see Ludewig, *Gesch. vom Bisth. Würzburg* (Frankf. 1713, fol.), s. 626.

<sup>3</sup> The name, Conradus de Stiekna, has been given him through a misunderstanding. Andreas de Broda, a theologian of Prague, says in an *Epist. ad Jo. Hussum* (in Jo. Cochlaei *Hist. Hussitarum*, Mogunt. 1549, fol. i. 42): *Si non esset causa alia, praeterquam haec, quod praedicatis contra Clericos, nullus vos, ut aestimo, excommunicaret. Nam et antiquis temporibus Milicius, Conradus, Sczekna et alii quam plurimi contra Clericos praedicaverunt, nullus tamen propter hoc excommunicationis fuit sententiae subditus.* In this passage the words *Conradus Sczekna* have been read together as names of one person; but Johannes Stiekna was living in 1400; see Jordan, s. 2 and 82.

<sup>4</sup> His contemporary, Benes de Weitmil, canon of Prague, speaks of his influence: the passage is translated from a MS. in Jordan, s. 3. Conrad inveighed with success against the finery of women, against usury, and chiefly against the simony of the mendicants, who only admitted persons into their order on payment of large entrance fees. There are extracts from his manuscript *Apologia* against them in Jordan, s. 7, 16. Balbinus (see his *Epitome Rerum Bohem.* p. 406) had even seen a large work by Conrad in MS. with the title, *Accusationes Mendicantium, in quo et accusat Mendicantes Religiosos, et eorum responsiones ad sua objecta iterato refellit.*—*qui ejus quaedam opera legerunt, putant, eum nimium licenter de sacris personis loqui, atque etiam in Episcopos et Clerum acerbas invectivas componere.* His largest work, *Postilla Studentium Universitatis Pragensis*, is still frequently to be found in MSS.; see Jordan, s. 16.

<sup>5</sup> Milicz is his Christian, not his family name. Later writers call him erroneously John Milicz; see Jordan, s. 19. Two works on his life by disciples of his are extant. One *Vita*, in Balbini *Miscellanea historica Regni Bohemiae*, Decad. i. lib. 4, tit. 84, p. 43 (Prag. 1682. fol.), given from the reports of others in Jordan, s. 18.—*Matthias v. Janow* on Milicz; see in Jordan, s. 82.—On the writings of Milicz: *Libellus de Antichristo* (preserved in the treatise with the same title by Matthias v. Janow), *Postilla*, etc., see Jordan, s. 29. Adauti Voigt, *Acta Literaria Bohemiae et Moraviae*, vol. i. (Prag. 1775. 8), p. 216.

<sup>6</sup> *Vita*, in Balbini *Miscell.* l. c. p. 45: *quamvis in principio suae praedicationis paucum populum habere videretur, et licet etiam ab aliquibus propter incongruentiam vulgaris sermonis derideretur* (probably for his Moravian pronunciation of the Bohemian

justified himself, but died there soon after († 1374).<sup>7</sup> But we first find the genuine insight of a reformer into the state of the Church in Matthias of Janow (Magister Parisiensis, from 1381 canon of the cathedral church in Prague, † 1394),<sup>8</sup> who received

language), nevertheless he went on with zeal: et sic per ejus assiduum praedicationem et austeritatem correctionum primo aperiebantur aures surdorum,—et post coepit populus affluere et admirabantur turbae laudantes nomen Domini, etc. In the year 1367 he first went to Rome to preach there, but he was thrown into prison for some time, for advertising by a bill posted on St. Peter's Church, *quod Antichristus venit*; and the mendicants in Prague began already to announce in their sermons: Carissimi, ecce jam Militius cremabitur (Vita, p. 51). After his return his zeal was so successful, ut etiam publicae meretrices de prostibulis per ejus praedicationem ad poenitentiam converterentur: and he changed the prostibulum Benatky (Venetias) nuncupatum into a conservatorium conversarum for them (Vita, p. 55). But at length hatred and envy broke forth into persecution against him, Vita, p. 58: malignus spiritus—Praelatos, Plebanos, Religiosos ad furorem in eum suscitavit, ita ut praedicationem sibi saepius prohiberent, et haereticum eum appellarent. P. 59: ei verbis multis ac probosis conviciabantur, inter caetera vero dicebant: a principio praedicationis tuae nunquam pace fruimur, sed semper disturbia multa patimur.—Quem saepius et Beghardum, et Hypocritam, et Sodomitam appellabant:—Postremo vero in tantum fuerunt in furorem concitati, quod et 12 articulos falsos et mendaces construxerunt, et eos ad Curiam Romanam—miserunt. The Pope charged the Archbishop of Prague to institute an inquiry (Raynald. ann. 1374, no. 10), and sought the necessary support from Charles IV. (ibid. no. 11). These twelve articles are in Jordan, s. 89. In them the following doctrines were alleged against him; that Antichrist was come, that it was damnable to purchase the tithes of a Church, that such taxes as the priests drew from landed property were usurious, quod omnis homo tenetur de necessitate saltem ad minus bis in hebdomada sumere corporis dominici sacramentum. Further, he was charged with having given the form of an Order to his society of penitent women, and likewise to a congregation of priests, caring for no man's opposition, nay, with having even said, quod in Papa, Cardinalibus, Episcopis, etc., veritas nulla esset, et nullus ex eis duceret ad viam veritatis; with condemning the study of the liberal arts, and censuring the modest dress of women, with having said that he had done more than Christ, and with having preached that priests should hold property only in common.

<sup>7</sup> Jordan, s. 27. In a diploma of the strictly catholic Charles IV., A.D. 1374 (Balbini Epit. p. 406), he is called—bonae memoriae honorabilis Milicius, quondam devotus noer dilectus.

<sup>8</sup> His principal work, still extant in MS., is, *Regulae Veteris et Novi Testamenti*, in five books. The works of Matthias, given in Balbini *Bohemia docta*, ed. ab Raph. Ungar, il. 178, are only separate treatises of this work; namely, de Hypocriai from lib. ii., de Frequenti Communione, de Unitate Ecclesiae, de Antichristo, de Abominatione in Ecclesia Dei, from lib. iii.; see Jordan, s. 50, 58. In the preface to the *Confessio Bohemica*, A.D. 1585 (Niemeyer, Coll. Confessionum in Eccl. Reformatis publicatarum, p. 776), it is stated that the Lib. de Abominatione of Matthias, sub titulo et nomine Magistri Jo. Hus excusus in lucem exiit. Thus the work is found also in the *Historia et Monumenta Jo. Hus. atque Hieron. Pragensis*, Norimb. 1715, i. 473. But, according to Jordan, s. 52, who had the whole work, *Regulae vet. et novi Test.*, in MS. before him, the whole passage in that edition, p. 473-627, is not by Huss, but taken from the manuscripts of our Matthias, only immoderately mutilated and imperfect. That the fragment, *De Mysterio Iniquitatis Antichristi*, i. 608, belongs to *Matthiae Tract. de Antichristo*, is proved by the quotations from this tract in the Lib. de Abominatione, which reappear in that fragment (compare, p. 512, 557, with 610; p. 515 with 611; p. 586 with 612). Likewise, p. 597, *De Unitate Ecclesiae et Schismate*, may well belong to *Matthiae Tract.*

his earliest impulse from Milicz. He saw how the Church had changed herself from a spiritual power into a system of force, like the secular state; he vindicated the free spiritual life of ancient Christendom against the mass of outward statutes and decrees enforced by authority;<sup>9</sup> he denounced the manifold corruptions of the Church,<sup>10</sup> and emphatically appealed to the Bible as the pure

de Unitate Ecclesiae. Other excerpts from Matthias's great work may be seen in Jordan, s. 59.

<sup>9</sup> In Jordan, s. 68: Dominus Jesus non dedit ullam legem scriptam suis posteris,—sed solum dedit spiritum suum bonum et spiritum Patris in corda credentium pro omni lege viva et perfecta et pro omni regula vitae cujuslibet sufficienti. Propter quod et Apostoli ipsius, nolentes gravare populos credentes in Jesum variis doctrinis et adventionibus et praeceptis, pauca scripserunt, pauciora mandaverunt, paucissima statutis firma-verunt inconcusse. Unde crudeliter et infruite posteriores multi videntur egisse et agere usque modo, qui suas adventiones multas et doctrinas varias ac mandata rigida in Dei et Domini Jesu familiam induxerunt et auctoritative firmaverunt, subditos nimis obligantes et gravantes:—quae omnia non tam facere sufficiunt, sed etiam rescire vel ad plenum memorari. Quapropter apud me decretum habeo quod ad reformandam pacem et unionem in universitate christiana expedit omnem plantationem illam eradicare, et abbreviare iterum verbum super terram, et reducere Christi Jesu Ecclesiam ad sua primordia salubria et compendiosa.

<sup>10</sup> Matthiae, Lib. de Sacerdotum et Monachorum abhorrenda Abominatione Desolationis in Ecclesia Christi, in Hist. et Monum. Jo. Hus, i. 473. Cap. 3: illa nocentissima abominatio in Dei Ecclesia, puta controversia inter Sacerdotes, et maxime tunc et manifeste [invaluit], quando Religiosi falsi sunt multiplicati per Ecclesiam et invaluerunt.—Ubicunque nondum manent Religiosi, vel non visitant ibidem communiter, ibi stant bene Sacerdotes concorditer ad invicem, et plebs est sine distractione et dissensione.—Cap. 21: Vae, vae illis, qui faciunt multas promissiones in populis, et excogitant atque adveniunt multas justificationes peccatoribus!—Veluti est promissio multarum indulgentiarum in festis suis vel locis, ut habeant per hoc nomen, et prae aliis accursum et applausum populorum: promissio literarum ab omni poena et culpa, promissio communionis fraternitatum, et omnium orationum vel Missarum, vel aliorum benorum, quae per confratres exercentur, etc.—quae nec ipsi certi sunt, si acceptabilia sunt Deo, imo plus odibilia Deo.—Cap. 30: Veruntamen, salvo judicio meliori, ego puto coram Domino dulcissimo Jesu crucifixo, tunc illa omnia habuisse suum initium, quando dominus Apostolicus contraxit ad se omnia beneficia et officia Ecclesiae, pro sua voluntate dispensando, et incepit dispensatione beneficiorum totius Ecclesiae occupari, atque distributione bonorum temporalium se ipsum aggravare, et conferre multa privilegia, et exemptiones ab obedientia infinitis personis,—puta ut essent sibi soli subjecti, et a suis immediatis Praelatis exempti,—habentes potestatem super terrenos (*leg. alienos*), subditos confessiones audiendi, et auctoritatem praedicandi quae volunt, et per consequens impediendi dominos Curatos, et Ordinem sanctissimum conturbandi, alios Ordines excogitando.—(Satan) abduxit Christianos—a primaevo ipsorum dignitate et sanctitate—ad quandam mirabilem simulationem, et Deo nimis abominabilem conversationem, compositam ex vitis et speciebus sanctitatis, religionis et virtutum, facietenus solum apparentium splendidae et laudabiles apud homines, sed nequaquam apud Deum. Ita dico, abduxit spiritualiter et successive a virtutibus pulcherrimis et dulcissimis, et a rigore ipsarum ad quandam vanitatem vitae, et tepiditatem abominabilem solum consuetudinum et rituum Ecclesiae Romanae, similiter in facie bene apparentium, sed in veritate Dei mortuorum, et desolatorum a Spiritu Jesu crucifixi: ita ut omnia fere Christianorum jam decora et honesta, sint solum quasi pulchra imago exterius pietas sine spiritu et vita, sint quoque justitia hominum propria, nimis remota a justitia Dei.—Seduxit, inquam, tali modo—populum christianum, ut omnia turpia et omnia vitia, quae

in primitivo populo tantum erant horribilia et abusiva, sint usitata,—excusata.—Et non solum hoc, sed etiam viceversa, qui alienant se strenue ab exercitio talium et a contubernio propter Domini Jesu timorem et amorem, mox a vulgo christiano hujus mundi conviciantur et confunduntur, et nota pessima singularitatum vel haeresum criminantur: propter quod tales homines devoti, qui similia vulgo profano non agunt, Becharidi vel Turlipini, aut aliis nominibus blasphemis communiter jam nominantur.—*Cap. 87*: Dei Ecclesia nequit ad pristinam suam dignitatem reduci, vel reformari, nisi prius omnia fiant nova.—*Credo*,—quod jam tunc surget novus populus, secundum novum hominem formatus, qui secundum Deum creatus est: ex quo novi clerici et sacerdotes provenient et assumuntur, qui omnes odient avaritiam et gloriam hujus vitae, ad conversationem caelestem festinando.—Veruntamen Dominus piissimus Jesus Christus hoc opus, puta innovationis Ecclesiae suae, jam in nostris temporibus, i. e. a 50 vel 70 annis, coepit valde accelerare, exercens sua judicia manifesta in Christianis per orbem manifestum.—*Cap. 60*: Diabolus omnem religiositatem in Ecclesia multiplicat in conventibus et personis, et per consequens omnem sanctitatem et faciem pietatis et gratiae in verbis et habitu exteriori, sed omnia solum ad extra et secundum faciem corporalem, et sine spiritu Jesu crucifixi. Multiplicavit insuper—omnem decorem et honestatem in Ecclesiasticis, vel saltem illa omnia accepit sibi in adminiculum seducendi Christianos ad amorem hujus saeculi.—Inde etiam idem Satan—multiplicavit promissiones infinitas, et magnas in Dei Ecclesia peccatoribus et amatoribus talibus hujus saeculi justificationes multas inventitias humanas, aut ipsas convertit ad suam fortiolem deceptionem, ut Christiani in illis sibi blandirentur, et constituerent suam spem salutis, non habentes ad Jesum crucifixum fidelem caritatem et ad proximos, et habentes vitam totaliter carnalem.—Item ob id permisit vel procuravit fieri—scientias adinventitias et recentes, quae aequaliter vel magis quam scientia Dei—sunt authenticae, tremendae, et maximae auctoritatis.—Multiplicata sunt ad haec mandata et cerimoniae hominum infinitae, et ut tantum essent tremenda et tantae auctoritatis, quemadmodum Dei summi praecepta, praedicantur et docentur, et cum magna districtione imperantur.—Multiplicata sunt quoque multa incerta corporalia, simpliciter nullam virtutem in se ipsis habentia, nullam efficaciam salutis, nullam sanctitatem spiritus Jesu, nullam auctoritatem ex Deo vel Scripturis, quae quia sunt in se recentia et nova, et splendida coram hominibus, et quasi stupenda, et celeberrime praedicantur, commendantur et famantur, vulgus ea accipit nimis ardue, colit et adorat strenue, tremat coram ipsis, et virtutem quandam magnam et suffragia ponit, quod in talibus corporalibus—et per talia sit Deus colendus et inquirendus.—*Cap. 82*: Hypocritae, et maxime sacerdotes amici hujus saeculi, habent illud de more, quod Sanctos Dei, qui sunt in caelis, multum nimis solemnisant et extollunt: sanctos vere Christianos secum adhuc in hac vita pauperes et humiles contemnunt et persequuntur.—Sanctorum in caelis ossa et reliquias sumptuose procurant auro, et serico contegunt, sed pauperes sanctos degentes cum eis in hac vita admittunt fame et siti cruciari, et nudos pati gelu et frigora.—Et hoc commune est apud ipsos, illustres viros et sanctos mortuos laudare et glorificare supra modum, sanctos vero illustres et conviventes vituperare, et ipsorum facta virtuosa detractioe obnubilare.—*Cap. 83*: The Mulier ebria de sanguine Sanctorum (Apoc. 17, 6), he explains, de multitudine hypocritarum, qui secundum communem consuetudinem nunc Ecclesiae vocantur Religiosi.—Nulli etenim magis proprie comedunt peccata populorum, sicut ipsi, et bibunt et inebriantur.—In isto tamen valde talium ebrietas sanguinis ostenditur evidenter, puta quod in tantum placet ipsis peccata populorum comedere et potare, quod otiosam vitam et quietam continuantes, accipiant multas oblationes et donaria magna tradita pro peccatis, quod non audent hominibus peccatoribus annunciare peccata ipsorum vel aggravare, quinimo magis peccatis blandiuntur et excusant.—Et super hoc amplius vigilare eos oportet omni speciei religionis et pietatis, utpote templis eorum de magno sumptu et adornatissimis omni suppellectile pulcherrima et delectabili in aspectu populorum, ita ut omnia sint munda coram hominibus ordinata, quatenus perinde extrahendi a plebibus alienis magis donaria et multam eleemosynam, multam haberent occasionem et nimium coloratam. So among them also are—multae festivitates gloriosae Sanctorum Dei in caelis,—multae Sanctorum reliquiae,—pulcherrimae picturae et statuae, quae faciunt insignia portenta et miracula magna.—

source of Christian faith.<sup>11</sup> He likewise, as well as Milicz, recommended more frequent communion, until a synod at Prague, A.D. 1388, decided against it.<sup>12</sup>

These men afterward were rightly regarded as the forerunners of Huss.<sup>13</sup> Still the Hussites, after the cup in the Lord's Supper

Et tunc deinceps nequaquam est omittendum, quia talia omnia et cum multo additamento exquisite in populis divulgantur,—proclamentur, ut sciant Christiani, ubi vel qua suam salutem debeant providere. Enimvero indulgentiae magnae et magna promissa omnibus accurrentibus, et gratiae vix ab hominibus credibiles, alias ita authenticae, et a dominis apostolicis ita roboratae per testes et per bullas, quod non est plus homini de ipsis nullo modo dubitare. Nam etsi contradiceret, vel non crederet, indignationem Dei omnipotentis incurreret. Et forte plaga manifesta puniretur, sicut jam multi, inquit, pro simili incredulitate sunt puniti. Jordan, s. 80: Nec per hoc ego curo negare, imagines rationabiliter fieri in Ecclesia et poni, cum hoc teneat universitas sanctae Ecclesiae, et dicatur communiter, quod tales imagines sunt scriptura laicorum. Decoretur igitur templum status imaginum: huic ego non obsto,—dummodo in talibus caute la contra daemonia, sicut et in aliis, habeatur. Sed hoc audacter dico, quod quam cito una imago amplius reveretur quam aliae imagines in templo, vel habet concursum amplio-rem plebis cum candelis, genuflexionibus vel aliter, mox est de templo ejicienda, tamquam offendiculum populi. Item si adjungantur aliqua signa facta quasi per imaginem aut ratione imaginis vel aliter, iterum illico illa statua est cassanda; quia jam valde timendum est plebi Christi, ne fortasse tunc accesserit ibi jam daemonium, volens ludificare plebejos, et polluere adorationem Jesu Christi corporis et sanguinis pretiosi.

<sup>11</sup> Jordan, s. 80: Et quam cito legi b. Augustinum in libro de doctrina christiana, et Hieronymum, dicentes, quod studium textuum sacratissimae bibliae est in principio et in fine super omnia necessarium et utile cuilibet pertingere cupienti ad agnitionem theologiae veritatis, et ipsa est primum et fundamentale et debet esse cuilibet literato christiano: mox agglutinata [est] anima mea bibliae in amore perpetuo. Ubi fateor, quod a juventute mea non recessit a me usque ad senectam et senium, neque in via, neque in domo, neque dum occupabar, nec cum otia: et in omni mea ambiguitate, in omni quaestione, semper in biblia et per eam sufficientem et lucidam expeditionem reperi et consolationem animae meae, et in omni turbatione mea, persecutione et tristitia ubique confugi ad bibliam, quae, ut duxi, semper mecum ambulat, mea carissima.—Unde cum vidi, quam plurimos portare semper et ubique secum reliquias et ossa diversorum Sanctorum, pro defensione sua quilibet et sua singulari devotione; ego elegi mihi bibliam, meam electam, sociam meae peregrinationi, gestare semper mecum, etc.

<sup>12</sup> Jordan, s. 55. The synod determined that no layman should be allowed to come oftener than once a month to the Lord's Supper.

<sup>13</sup> Especially by Hussites and Protestants, among whom, however, even in respect to that doctrine, many unauthorized opinions have grown up. Thus it is matter of tradition, that Zbyniek (Sbynko), archbishop of Prague, in 1410, had the writings of Milicz and Matthias of Janow burned with those of Wycliffe. The only sources of this opinion are Hagel's († 1553) Böhm. Chronik, s. 659: "Etliche sagten, es wären daneben viel andere und mehr als des Wicleffs Bücher verbrannt:" and Procopius Lupacius († 1567) Calendarium Hist. ad. d. 16 Jul. Feruntur tum et plurimi libri esse concremati Joannis Militii, Mag. Matthiae cognomine Parisiensis, etc. However, in the Archbishop's decree of condemnation, which is preserved in Huss's appeal (Hussii Opp. 1, 118), and in this appeal itself, there is merely an allusion to Wycliffe's works, and thus the fable which arose one hundred and fifty years afterward has no probability. See Balbin Bohemia Docta II, 178. Milicz was also pronounced a heretic by the annalists, Raynaldus, Spondanus, and Bzovius, ad ann. 1374: on the contrary, most of the Catholic authors of Bohemia, since Balbinus, have maintained the orthodoxy of all the three men mentioned above.

became the token of their party, were not right in appealing to them as supporters of this doctrine. At first, the contest of Matthias v. Janow for more frequent communion was misunderstood, as though he had demanded the cup for the laity, and administered it to them.<sup>14</sup> Much later, Hussite writers conjectured, without any reason, that the efforts of all the three men here mentioned were connected with the Graeco-Sclavonian modes of worship, which were supposed to have held their ground until this time, and that they especially opposed the withholding of the cup.<sup>15</sup>

<sup>14</sup> V. d. Hardt, Conc. Const. t. iii., in the *Prolegg.* p. 20, records the following from the transactions of the Bohemians at the council of Basle, A.D. 1433, which must have been taken from manuscripts, as it is not to be found in the printed acts: Johannes de Polemar, cum Rockizana in Basileensi Concilio de communione calicis contendens, in responsione sua agnosit quidem, Praga apud s. Nicolaum Magistrum Matthiam pro concione populo nova de sacramento quoque coenae praedicasse, at palinodiam in Synodo Pragensi anno 1389 cecinisse, ait. In quibus tamen articulis, ut Polemarus eos refert, communionis calicis clara mentio haud facta. Unde in dubio relinquit Polemarus, an Matthias calicem populo dederit, an secus. Hoc interim certum esse ait, eum prohibitum fuisse. *Sive*, inquit, *ipse incepit hanc novitatem praedicare, sive sub utraque specie communicare, tamen sua doctrina sive practica non habuit progressum.* The Hussite, Wenceslaus Piseceus, writes about 1520, of Matthias Parisiensis (Balbini Bohemia Docta II, 178): multos eruditissimos conscripsit libros, in quibus de communione utriusque speciei pluribus egit (but compare l. c. p. 179). This erroneous opinion probably rose from the fact that Matthias, in speaking of the communion of lay persons, also used the expression—*communicatio corporis et sanguinis J. Chr.*, receiving the body and blood of Christ (Jordan, s. 52, 55, 56), because he referred John vi. 53 to the Lord's Supper (De Abominatione, c. 29 and 24, in Hus Monumenta, 1, 504). This mode of expression was dogmatically quite right, even when used of partaking in one kind (vol. 2, § 77, note 12); but it was afterward so understood among the Hussites as if Matthias had defended the communion in both kinds.

<sup>15</sup> Paulus Stransky, De Republica Bojema 1633, c. vi. § 5 (also in Goldasti Comm. de Regni Bohem. Juribus, ed. Schminckii II, 511), is the first who presents this view, without however making any particular mention of the cup; next after him comes Jo. Amos Comenius (Historia Persecutionum Ecclesiae Bohemicae 1648, p. 19 ss., and Historia Fratrum Bohemorum 1660, ed. Buddei, p. 6), who is the first to make these men champions of the chalice. All later writers followed him, especially Augustin Zitte, in his uncritical and fancifully illustrated Lives of the three most distinguished precursors of the renowned M. John Huss, Prague, 1786 (in the Kurze Lebensbeschreibungen berühmter Männer Böhmens Bd. 1), to which even Schröckh, xxxiv. 566, gives too much credit. The following reasons are opposed to the above-mentioned view: 1. In the earlier sources there is no trace to be found of a Graeco-Sclavonic ritual in the time of Charles IV., nor of a persecution on account of it; on the other hand, this emperor built the monastery of Emaus, in Prague, for the Latino-Sclavonic ritual, A.D. 1347; compare Dobner in the Abhandl. der Böhmischen Gesellsch. der Wissensch. for 1785, s. 174, for 1786, s. 433: and 2, in the numerous works and treatises which followed the introduction of the cup by James of Misa (with the exception of that remarked on in note 14) there are no hints whatever of any earlier attempts of the kind to be found. The Bohemian brethren in their *Apologia Verae Doctrinae*, A.D. 1538 (see vol. iv. Div. 1, § 14, note 4 of Gieseler's Chh. Hist.) in Lydii Waldensia II., 292, state expressly: Mag. Jacobellus primus omnium communionem utriusque speciei in Bohemia practicare cepit.

## § 125.

## JOHN WYCLIFFE.

Henrici de Knyghton (Canon at Leicester, Wycliffe's contemporary), *De Eventibus Angliae usque ad ann. 1395* (in Rog. Twisden, *Scriptt. X. Hist. Angl. Lond. 1652, fol.*).—Thomasae Walsingham (Benedictine at St. Albans, about 1440), *Hist. Anglica major* (in Camden, *Scriptt. Rer. Angl. Lond. 1754. Francof. 1602, fol.*).

The History of the Life and Sufferings of John Wycliffe by John Lewis, London, 1720. The Life and Opinions of John de Wycliffe, illustrated principally from his unpublished Manuscripts, by Rob. Vaughan, London, 1829, ed. 2, 1881, 2 voll. S. A. J. de Ruever Groneman, *Diatribe in Jo. Wickliffi Vitam, Ingenium, Scripta, Traj. ad Rhen. 1837.* D. L. Flathe's *Gesch. der Vorläufer d. Reformation* (2 Th. Leipzig, 1835-36) II, 161. Dr. G. Weber's *Gesch. der akatholischen Kirchen u. Secten v. Grossbritannien*, Th. 1, Bd. 1 (Leipzig, 1845), s. 62.

[The Life of Wiclif, by Charles Webb Le Bas. In the *Theol. Library*, vol. i. 18. New York, 1832.—John de Wycliffe, a Monograph, by Robert Vaughan, D.D., 4. Lond. 1853.—O. Jaeger, *John Wycliffe, u. seine Bedeutung für die Reformation*, 8. Leipz. 1854.—Wiclif und die Lollarden, by Lechler, in *Niedner's Zeitschrift*, 1853. 4.—The first part of the fourth volume of Böhringer's *Kirche Christi*, 8. 1856, pp. 643, is devoted to the Life of Wycliffe.—Three Treatises of John Wycliffe, now first published from the MSS., by J. H. Todd, D.D. 12. Dublin, 1851: viz., I. The Church and her Members: II. Apostacy of the Church: III. Antichrist.—E. W. Leward, *Die Theol. Doctrin Wycliff's*, in the *Zeitschrift, f. Hist. Theol.* 1846-7.—Articles on Wycliffe in the *Christ. Examiner*, vol. 51: *Edinb. Review*, vol. 56: *Christian Review*, vol. 6: *Meth. Quarterly Review*, vol. 2: *Westminster Review*, July, 1854: on the MSS. of Wycliffe, in *Eclectic Review*, Fourth Series, vol. 18.]

In England the oppressions of the Papal See were felt with double force after the latter had become openly dependent upon the hostile power of France. Government and Parliament, impelled and supported by the general voice of the nation, resisted them with resolution and success.<sup>1</sup> But in consequence of this, the eyes of many were opened to other ecclesiastical corruptions;<sup>2</sup> especially was the influence of the mendicants, the Pope's most zealous officers, visited with censure from all sides.<sup>3</sup>

In John Wycliffe, a fellow of Merton College, Oxford, distinguished for acuteness and learning,<sup>4</sup> this general sentiment found

<sup>1</sup> See § 103, note 30.

<sup>2</sup> Thus Robert Longland, a priest, about 1350, published an allegorical poem, "The Visions of Peirce Plowman" (with comm. by Whitaker, Lond. 1813. 4.), which lashed the ecclesiastical superstition, the monks, etc., and proclaimed a reformation of the Church. It soon became very popular. Compare Warton, *History of English Poetry* (Lond. 1773, 2 voll. 4.), i. 287; Vaughan, ii. 148. The monk John Ball also, who afterward joined Wycliffe, had already preached in this strain; see Schlosser's *Weltgeschichte*, ii. 266.

<sup>3</sup> Compare § 112, notes 2 and 3 (the appearance of Richard, archbishop of Armagh, upon the scene against them at Avignon in 1357).

<sup>4</sup> By his determined adversary, Heinar. de Knyghton, *De Eventibus Angliae*, lib. v., p. 2644, he is called Jo. Wycklif—Doctor in Theologia eminentissimus in diebus illis. In

a firm basis in his love for his father-land, and his zeal for true Christianity.<sup>5</sup> He was the first to come forward as a bold champion in the quarrels of the University with the mendicant monks, A.D. 1360, and to denounce without disguise the corruptions of these Orders.<sup>6</sup> When Edward III., in 1366, with the help of his Parliament, delivered himself from the shameful tax paid to the Pope, Wycliffe boldly defended this step likewise.<sup>7</sup> As he addressed himself in numerous works in his native language to the whole nation, he met with great sympathy among all classes, except the monks; this was further strengthened by the fact that Geoffrey Chaucer († 1400), the father of English poetry, joined in the assault upon the mendicants.<sup>8</sup> Wycliffe became professor of divinity at Oxford in 1372, and in 1375 rector of Lutterworth; and when the government endeavored more seriously than ever to withdraw the Church of England from the Pope's arbitrary power, Wycliffe was one of the ambassadors who negotiated a convention for this purpose with the Papal delegates at Bruges in 1374.<sup>9</sup> Under these circumstances he had opportunities enough to see the corruption of the Papacy,<sup>10</sup> as well as the injurious effects of monasticism.<sup>11</sup> Since he declared his convictions with boldness, he was accused before the Pope, in 1376, of nineteen errors

*philosophia nulli reputabatur secundus, in scholasticis disciplinis incomparabilis.* His numerous works (enumerated by Lewis, p. 143, sq. Vaughan, ii. 379) can not, unfortunately, for the most part, be arranged with any certainty in chronological order.

<sup>5</sup> On his first work, *The Last Age of the Church*, A.D. 1356 (Ed. James Henthorn Todd, Dublin, 1841), see Vaughan i, 254.

<sup>6</sup> The arrangement in order of time of his numerous works written against the mendicants is no longer possible. Their contents he comprised in the work *Objections to Friars* (printed in the *Two Short Treatises against the Orders of Begging Friars*, compiled by John Wiclif, Oxford, 1608. 4. published by Thomas James). Compare Vaughan, i. 267; ii. 208. He maintained especially: sith open Begging is thus sharply damned in holy Writ, it is a foule Error to meyntene it, but that is more Error to seie that Christ was such a Beggar. See Lewis, p. 7.

<sup>7</sup> Compare above, § 101, note 12. Lewis, p. 17. Vaughan, i. 278. Ruever Groneman, p. 87. A monk had written against it, and maintained, quod sit falsum et pseudoevangelicum, quod domini temporales possunt in aliquo casu legitime auferre ab Ecclesiasticis bona sua. Wycliffe wrote in answer a *Determinatio de Dominio*, printed in Lewis, p. 863 ss.

<sup>8</sup> Particularly in the *Canterbury Tales* (published by Th. Tyrwhitt. Lond. 1775. 5. t. 8. Oxford, 1798. 2 t. 4). See W. Godwin, *Hist. of the Life and Age of G. Chaucer*, Lond. 1803. 2 t. 4. Vaughan, ii. 187. Weber, I. i. 102.

<sup>9</sup> See above, § 103, note 20. Lewis, p. 80. Vaughan, i. 338. Ruever Groneman, p. 107.

<sup>10</sup> He called the Pope Antichrist, the proud, worldly Priest of Rome, and the most cursed of Clippers and Purse-kervers. Lewis, p. 84.

<sup>11</sup> The isolated charges which he brought against the friars in his earlier works he collected, about 1362, into fifty heresies and errors; in Lewis, p. 20 ss.



in doctrine. Gregory XI. instituted an inquiry against him.<sup>12</sup> All danger on this account, however, was warded off from him by the favor of the secular nobles, especially the Duke of Lancaster, who held the regency after Edward's death († 1377).<sup>13</sup>

From the great Papal schism (1378) Wycliffe derived a fresh impulse, as well as greater freedom, in searching out the defects of the Church and proposing amendment. He summoned the secular powers to avail themselves of this favorable time for the reformation of the Church,<sup>14</sup> and sent out his disciples through the country (*poor Priests*, called *Lollards* by their adversaries),<sup>15</sup> to oppose a genuine apostolical agency to the pretended one of the

<sup>12</sup> The Papal briefs, of the year 1377, to the University of Oxford, the Archbishop of Canterbury, the Bishop of London, and the King of England, are in Walsingham, p. 201 ss. Conc. Magnae Brit. iii. 116. The *Schedula* attached with the nineteen heretical *propositiones* is in Walsingham, p. 204. Conc. M. B. iii. 128. Lewis, p. 266: E. g. I. Totum genus hominum concurrentium citra Christum non habet potestatem simpliciter ordinandi, ut Petrus et omne genus suum dominetur politice imperpetuum super mundum. VI. Si Deus est, domini temporales possunt legitime ac meritorie auferre bona fortunae ab Ecclesia delinquente. VII. Numquid Ecclesia est in tali statu vel non, non est meum discutere, sed dominorum temporalium examinare, et posito casu confidenter agere, et in poena damnationis aeternae ejus temporalia auferre. VIII. Scimus, quod non est possibile, quod Vicarius Christi pure ex Bullis suis, vel ex illis cum voluntate et consensu suo et sui Collegii quenquam habiliter vel inhabiliter. IX. Non est possibile hominem excommunicari, nisi prius et principaliter excommunicaretur a seipso. XIII. Discipuli Christi non habent potestatem coacte exigere temporalia per censuras. XVI. Hoc debet catholice credi: quilibet sacerdos rite ordinatus habet potestatem sufficienter sacramenta quaelibet conferendi, et per consequens quemlibet contritum a peccato quolibet absolvendi. XIX. Ecclesiasticus imo et Romanus Pontifex potest legitime a subditis et laicis corripri et etiam accusari. Vaughan, i. 354. Ruever Groneman, p. 125.

<sup>13</sup> Lewis, p. 50 ss. At the second hearing, in the archbishop's palace at Lambeth in London, where, as Walsingham, p. 205, complains—non dico cives tantum Londonienses, sed viles ipsius civitatis se impudenter ingerere praesumpserunt in eandem capellam, et verba facere pro eodem, et istud negotium impedire, Wycliffe gave in a *Declaratio* of those propositions (p. 206), in which on some points at any rate, he yielded skillfully, e. g. ad I.: patet non esse in hominum potestate impedire adventum Christi ad finale iudicium.—Ad VI.: Si Deus est, ipse est omnipotens. Et si sic, ipse potest praecipere dominis temporalibus, sic auferre:—sed absit ex illo credere, quod intentionis meae sit, saeculares dominos licite posse auferre, quomodocunque et quomodocunque voluerint vel nuda auctoritate sua, sed omnino auctoritate Ecclesiae in casibus et forma limitatis a jure. But others he defended, e. g. ad VIII.: patet ex fide catholica, cum oportet dominum [*in*] omni operatione vicaria tenere primatum. Ideo sicut in omni habilitatione subjecti prius exigitur gratia et dignitas habilitati, sic in omni inhabilitatione prius exigitur dignitas ex demerito inhabilitati, et per consequens non pure ex ministerio vicarii Christi fit talis habilitatio vel inhabilitatio. Comp. Ruever Groneman, p. 134.

<sup>14</sup> In his work, *On the Schism of the Popes*, see Vaughan, ii. 3 ss.

<sup>15</sup> Upon them see Vaughan, ii. 163. Ruever Groneman, p. 217. Our particular knowledge of them is derived from the work of Wycliffe in their favor, viz.: *Pro egentibus Presbyteris, s. de causis ob quas pauperes Presbyteri beneficiis non gaudent*, printed in Lewis, p. 287.

begging friars, and to preach against the anti-Christian hierarchy and the abuses in the Church. Hitherto he had attacked only matters that concerned the ecclesiastical constitution and discipline; now he advanced with bolder steps. In 1380 he began to translate the Bible into English, and as this undertaking was forthwith assailed as heretical, he maintained the people's right to the Holy Scriptures.<sup>16</sup> When he began, in the year 1381, to impugn even the doctrine of transubstantiation, many who were his partisans up to this point were alarmed;<sup>17</sup> but Wycliffe had

<sup>16</sup> Henr. de Knyghton, p. 2644: Hic Magister Jo. Wyclif Evangelium, quod Christus contulit Clericis et Ecclesiae Doctoribus, ut ipsi Laicis et inferioribus personis secundum temporis exigentiam et personarum indigentiam cum mentis eorum esurie dulciter ministrarent, transtulit de Latino in Anglicam linguam, non angelicam, unde per ipsum fit vulgare et magis apertum laicis et mulieribus legere scientibus, quam solet esse Clericis admodum literatis et bene intelligentibus: et sic evangelica margarita spargitur, et a porcis conculcatur, etc. Wycliffe defended his translation in his work, *On the Truth and Meaning of Scripture*; see Vaughan, ii. 7. Passages from it may be seen in Wharton *Auctarium Historiae Dogmaticae J. Userii de Scripturis et sacris Vernaculis*. Londin. 1689. 4. p. 432 ss., in Lewis, p. 67 ss. E. g. The clergy cry aloud, it is Heresy to speake of the Holy Scripture in English, and so they woulde condempne the Holy Goste that gave it in Tongues to the Apostles of Christe, as it is written, to speake the Worde of God in all Languages that were ordayned of God under Heaven, as it is wrytten. Wycliffe's translation of the New Testament was published by J. Lewis, 1781, and by H. H. Baber, 1810; [and in four volumes, 4. Univ. Press, Oxford, 1850, edited by Rev. Josiah Forshall and Sir Fred. Madden]. Compare Vaughan, ii. 42. Ruever Groneman, p. 160, 252.

<sup>17</sup> He came forward with twelve *Conclusiones*, which he was ready to maintain publicly (published by Vaughan, ii. 425): I. Hostia consecrata, quam videmus in altari, nec est Christus, nec aliqua sui pars, sed efficax ejus signum. III. Olim fuit fides Ecclesiae Romanae in professione Berengarii, quod panis et vinum, quae remanent post benedictionem, sunt hostia consecrata. IV. Eucharistia habet virtute verborum sacramentalium tam corpus quam sanguinem Christi vere et realiter ad quemlibet ejus punctum. The Chancellor of the University immediately condemned this doctrine (see the *Definitio* in Lewis, p. 268. Vaughan, l. c.); but Wycliffe appealed to the king. Et post appellationem advenit nobilis dominus, dux Lancastriae,—prohibens Magistro praedicto Johanni, quod de caetero non loqueretur de ista materia. Sed nec ipse contemptus suo ordinario Cancellario, nec tam strenuo domino inceptit *Confessionem* quandam facere, in qua continebatur omnis error pristinus, sed secretius sub velamine vario verborum, in qua dixit suum conceptum, et visus est suam sententiam probare. Sed velut haereticus pertinax refutavit omnes Doctores de secundo Millenario in materia de sacramento Altaris, et dixit, omnes illos errasse praeter Berengarium,—et ipsum et suos complices; dixit palam Sathanam solutum et potestatem habere in Magistro Sententiarum et in omnibus qui fidem catholicam praedicaverunt (see Lewis, p. 271). The *Confessio* in Lewis, p. 272; in Vaughan, ii. 428: Saepe confessus sum et adhuc confiteor, quod idem corpus Christi in numero quod fuit assumptum de Virgine, quod passum est in cruce,—est vere et realiter panis sacramentalis:—cujus probatio est, quia Christus, qui mentiri non potest, sic asserit. Non tamen audeo dicere, quod corpus Christi sit essentialiter, substantialiter, corporaliter vel identice ille panis.—Credimus enim, quod triplex est modus essendi corpus Christi in hostia consecrata, scil. virtualis, spiritualis et sacramentalis. Virtualis, quo benefacit per totum suum dominum [*leg. dominium*] secundum bona naturae vel gratiae. Modus autem essendi spiritualis est,

already so many adherents among the learned, especially in Oxford, that he could not be wholly put down. William Courtney distinguished his promotion to the archiepiscopal see of Canterbury by condemning a series of Wycliffite opinions as heretical, at a council in London (May and June, 1382).<sup>18</sup> When the hie-

quo corpus Christi est in Eucharistia et Sanctis per gratiam. Et tertius est modus essendi sacramentalis, quo corpus Christi singulariter [est] in hostia consecrata. Sed praeter istos tres modos essendi sunt alii tres modi realiores et veriores quos corpus Christi appropriate habet in caelo, scil. modus essendi substantialiter, corporaliter et dimensionaliter. Et grosse concipientes non intelligunt alium modum essendi naturalis substantiae praeter illos. Illi autem sunt valde indispositi ad concipiendum arcanam Eucharistiae, et subtilitatem Scripturae. These adherents of transubstantiation were designated as—secta cultorum accidentium, cultores signorum, and refuted from several passages of the Fathers of the Church. The conclusion: Vae generationi adulterae, quae plus credit testimonio Innocentii vel Raymundi, quam sensui Evangelii capto a testibus supradictis. Idem enim esset scandalizare illos in isto, et imponere eis haeresim ex perversione sensus Scripturae, praecipue et iterum de ore perverso Apostatae accumulantis super Ecclesiam Romanam mendacia, quibus fingit, quod Ecclesia posterior priori contraria correxit fidem, quod sacramentum istud sit accidens sine subjecto, et non verus panis et vinum, ut dicit Evangelium cum Decreto. Nam teste Augustino tale accidens sine subjecto non potest sacerdos conficere. Et tamen tantum magnificant sacerdotes Baal mendaciter, indubie juxta scholam patris sui, consecrationem hujus accidentis, quod reputant Missas alias indignas audiri, vel dissentientes suis mendaciis inhabiles alicubi graduari: sed credo, quod finaliter veritas vincet eos. Before the people he defended his doctrine in his work *The Wicket*, printed at Nuremberg in 1546, ed. by H. Jackson, Oxford, 1612, and in Writings of John Wickliff, printed for the Religious Tract Society, London (without date, probably 1836), p. 153. Compare Vaughan, ii. 64. Baever Groneman, p. 181.

<sup>18</sup> See Mansi xxvi. 695. The following were condemned as *Conclusiones haereticæ*: I. Quod substantia panis materialis et vini maneat post consecrationem in sacramento altaris. II. Item quod accidentia non maneant sine subjecto post consecrationem in eodem sacramento. III. Item quod Christus non sit in sacramento altaris identice, vere et realiter in propria praesentia corporali. IV. Item quod si Episcopus vel sacerdos existat in peccato mortali, non ordinat, conficit, nec baptizat. V. Item quod si homo fuerit debite contritus, omnis confessio exterior est sibi superflua vel inutilia. VI. Item pertinaciter asserere, non esse fundatum in Evangelio, quod Christus Missam ordinaverit. VII. Item quod Deus debet obedire Diabolo. VIII. Item quod si Papa sit praestigiator et malus homo, ac per consequens membrum Diaboli, non habet potestatem supra fideles Christi ab aliquo sibi datam, nisi forte a Caesare. IX. Item quod post Urbanum sextum non est aliquis recipiendus in Papam, sed vivendum est more Graecorum sub legibus propriis. X. Item asserere, quod est contra sacram Scripturam, quod viri ecclesiastici habeant possessiones temporales. Then follow fourteen *Conclusiones erroneae*: I. Quod nullus Praelatus debet aliquem excommunicare, nisi prius ipsum sciat esse excommunicatum a Deo. III. Item quod Praelatus excommunicans clericum, qui appellavit ad Regem et consilium regni, eo ipso traditor Dei est, Regis et regni. IV. Item quod illi, qui dimittunt praedicare seu audire verbum Dei vel evangelium praedicatum propter excommunicationem hominum, sunt excommunicati, et in Die iudicii traditores Dei habebuntur. V. Item asserere, quod liceat alicui, etiam Diacono vel Presbytero, praedicare verbum Dei absque auctoritate sedis apostolicae vel Episcopi catholici, seu alia de qua sufficienter constat. VI. Item asserere, quod nullus est dominus civilis, nullus est Episcopus, nullus est Praelatus, dum est in peccato mortali. VII. Item quod domini temporales possint ad arbitrium eorum auferre bona temporalia ab ecclesiasticis habitualiter delinquentibus, vel quod populares possint ad eorum arbitrium dominos de-

rarchy contrived to make it generally believed that the peasants' rising in 1381 was occasioned by Wycliffe's doctrines,<sup>19</sup> the King seemed for some time to be inclined to give effect to the ecclesiastical decrees.<sup>20</sup> Wycliffe was obliged to leave Oxford, and withdraw to his cure at Lutterworth. Here, however, he could pro-

linquentes corrigere. VIII. Item quod decimae sunt purae eleemosynae, et quod parochiani possint propter peccata suorum Curatorum eas detinere, et ad libitum aliis conferre. IX. Item quod speciales orationes applicatae uni personae per Praelatos vel Religiosos non plus prosunt eidem personae, quam orationes generales, caeteris paribus, eidem. X. Item quod eo ipso, quod aliquis ingreditur religionem privatam quamcunque, redditur ineptior et inhabilior ad observantiam mandatorum Dei. XI. Item quod Sancti instituentes religiones privatas quascunque, tam possessionatorum, quam mendicantium, in sic instituendo peccaverunt. XII. Item quod Religiosi viventes in religionibus privatis non sint de religione christiana. *Error perniciosus.* XIII. Item quod Fratres tenentur per laborem manuum, et non per mendicationem victum suum acquirere. *Damnatus ab. Alex.* IV. XIV. Item quod conferens eleemosynam Fratribus vel Fratri praedicanti est excommunicatus et recipiens. Three of Wycliffe's most eminent adherents, men of learning at Oxford, Nicholas de Hereford, John Aston, and Philip Repingdon, had to present themselves in person before this council; but their declarations with regard to these propositions were not satisfactory. Wycliffe complained that many positions were falsely attributed to him at this council; for instance, *Deus debet obedire Diabolo*, see Lewis, p. 96.

<sup>19</sup> With regard to this, see Knyghton, p. 2633; Walsingham, p. 247; Schlosser's Weltgeschichte, iv. ii. 271; Ruever Groneman, p. 221. John Ball was the spiritual leader of the peasants, as Wat Tyler was the temporal. The end in view was communistic. The rich were to be slain, and all property divided. The peasants' cry was,

Whan Adam dalfe and Eve span,  
Who was than a gentleman?

<sup>20</sup> Compare the royal edict of 12th July, 1382, in Lewis, p. 282. Wilkins, Conc. Mag. Brit., iii. 156, whereby permission was granted to the bishops—ad omnes et singulos, qui dictas conclusiones sic damnatas praedicare seu manutenere vellent, arrestandos, etc., and the injunction on the University of Oxford, of 13th July (Lewis, p. 379; Wilkins, iii. 166), to expel all—qui quicquam praedictorum haeresium vel errorum—foverint vel defenderint, vel qui magistros Jo. Wycliff, Nicholaum Herforde, Philippum Repyngdonn, Jo. Astonn—in domos et hospitia ausi fuerint acceptare, vel cum eorum aliquo communicare, etc. The wandering *poor priests* were to be imprisoned by the sheriffs (Fox, Acts and Monuments, i. 575; Vaughan, ii. 79). The clergy showed themselves duly grateful, Walsingham Hypod. Neustriae, p. 535: In Parlamento, facta Londoniis circa festum sancti Michaelis (1382), concessa fuit Regi per Clerum una decima, et a laicis quintadecima; conditionaliter tamen ex parte Cleri, ut videlicet Rex manus apponat defensionem Ecclesiae, et praestet auxilium ad compressionem haereticorum Wicklevensium, qui jam sua prava doctrina paene infecerant totum regnum. Wycliffe, on the other hand, appealed to the King and Parliament, 19th Nov. 1382 (A Complaint of John Wyclif, exhibited to the King and Parliament, printed in Th. James's Two Short Treatises; see above, note 6; compare Vaughan, ii. 97), and required of them to reform the Church, to wit, 1. To abolish monastic orders. 2. To confiscate Church property, and remit taxation. 3. To allow no revenues to the wicked clergy. 4. To recognize the doctrine of the Lord's Supper in its purity. True, the lower house did not accede to these proposals, but it declared these edicts against heretics invalid, as being issued by the King alone (Vaughan, ii. 106). Thus Wycliffe immediately afterward could defend his appeal without fear before a convocation of bishops in Oxford, before which he was summoned to answer for its contents (Vaughan, ii. 112).

ceed without opposition in his zeal against ecclesiastical abuses. Not long before his death († 1384) he wrote the *Trialogus*, in which the knowledge he had attained with regard to the Church and theology is laid down, being, as it were, his theological bequest.<sup>21</sup>

<sup>21</sup> Jo. Wiclef Dialogorum Libri iv. ed. (Basileae), 1525. 4. (compare Baumgarten's Nachrichten von seiner hall. Bibl. v. 178); ed. L. Ph. Wirth. Francof. et Lips. 1753. 4. Wycliffe himself calls the work *Trialogus*; compare the introduction: vidimus quod posset multis utilis quidam esse Trialogus, ubi primo *Alithia* tanquam solidus theologus loqueretur; secundo infidelis captiosus tanquam *Pseudus* objiceret; et tertio subtilis theologus et maturus tanquam *Phronesis* decideret veritatem. Contents: Lib. i. de Deo et ideis (in which Platonic realism is emphatically defended), lib. ii. de rebus creatis (in which, c. 14, a strict Predestinarianism is maintained): Et sic videtur mihi probabile. quod Deus necessitat creaturas singulas activas ad quemlibet actum suum. Et sic sunt aliqui praedestinati, hoc est post laborem ordinati ad gloriam: aliqui praesciti, hoc est post vitam miseram ad poenam perpetuam ordinati (cf. Thomas Bradwardinus, § 116, note 13). Lib. iii. de virtutibus et vitiis (cf. cap. 31: nulla alia scriptura capit auctoritatem vel valorem, nisi de quanto sua sententia a Scriptura sacra sit derivata.—Et hinc Augustinus—saepe praecipit, quod nemo credat scriptis suis vel verbis, nisi de quanto se fundaverint in Scriptura, et in ipsa, ut saepe dicit, omnis veritas implicite vel explicitate continetur. Et indubie idem est iudicium de scriptis aliorum sanctorum doctorum, et multo magis de scriptis Romanae Ecclesiae, et doctorum novorum.—Et tunc Scriptura sacra foret in reverentia, et bullae papales (sicut debent) forent postpositae, et tam leges papales, quam doctorum novorum sententiae, quae sunt post solutionem Satanae promulgatae, forent in suis limitibus veneratae). Wycliffe comes forward as a reformer of the Church, especially in Lib. iv., in which, beginning with the sacraments, he censures many abuses and errors in the Church. First, de Eucharistia, c. 2-10, where he controverts as heresy the opinion, quod hoc sacramentum sit accidens sine subjecto. Cap. 2: Ipsa curia ante solutionem diaboli cum antiqua sententia planius concordavit, ut patet Dist. ii. c. Ego Berengarius (see vol. ii. § 29, note 13). Et sic de omnibus sanctis doctoribus, qui usque ad solutionem Satanae istam materiam pertractarunt. A tempore autem solutionis Satanae, dimissa fide Scripturae, multae haereses in ista materia, et specialiter inter Fratres et discipulos eis similes, volitarunt. Cap. 4: Non dubium etiam laico idiotae, quin sequitur: iste panis est corpus Christi, ergo iste panis est, et per consequens manet panis, et sic simul est panis et corpus Christi. Exempla autem possunt grossa poni pro ista materia attestanda. Non enim oportet, sed veritati repugnat, quod homo, dum fit dominus vel Praelatus Ecclesiae, desinat esse eadem persona: sed maneat omnino eadem substantia quodammodo exaltata. Sic oportet credere, quod iste panis virtute verborum sacramentalium fit consecratione sacerdotis primi veraciter corpus Christi:—natura panis non ex hinc destruitur, sed in digniorem substantiam exaltatur. Cap. 6: Istam ergo reputo causam lapsus hominum in istam haeresim, quod discredunt Evangelio, et leges papales ac dicta apocrypha plus acceptant. Cap. 7: Ideo si essent centum Papae, et omnes Fratres essent versi in Cardinales, non deberet concedi sententiae suae in materia fidei, nisi de quanto se fundaverint in Scriptura.—Cap. 14: De confirmatione, Doubts—de ejus fundatione ex fide Scripturae.—Cap. 15: De sacramento Ordinis: In primitiva Ecclesia—suffecerunt duo ordines clericorum, scilicet sacerdos atque diaconus.—Tunc enim adinventum non fuit distinctio Papae et Cardinalium, Patriarcharum et Archiepiscoporum, Episcoporum et Archidiaconorum, Officialium et Decanorum cum caeteris officariis, et privatis religionibus, quorum non est numerus neque ordo. De contentione autem circa ista, quod unumquodque istorum est ordo, et in ejus acceptione gratia Dei ac character imprimatur, cum aliis difficultatibus, quas nostri balbutiunt, videtur mihi tacendum, cum sic loquentes nec fundant quod asserunt, nec probant. Sed ex fide Scripturae videtur mihi sufficere, esse Presbyteros atque Diaconos,

So long as Richard II. reigned, the government stood firm in

servantes statum atque officium, quod eis Christus imposuit, quia certum videtur, quod superbia caesarea hos gradus et ordines adinvenit.—Dixit Dominus ad Aaron: *in terra eorum nihil possidebitis,—filiis autem Levi dedi omnes decimas Israel.*—Si ergo Praelati nostri—fundant se in secunda parte hujus dicti dominici ad avide capiendum decimas,—cur non primam partem auctoritatis Domini pro amore Christi pauperis adeo amplectuntur? Cap. 17: Habere civiliter, cum necessitat ad sollicitudinem circa temporalia et leges hominum observandas, debet omnino clericis interdici. Et quantum ad Sylvestrum et alios, est mihi probabile, quod in recipiendo taliter dotationem graviter peccaverunt. Cap. 18: Temporales domini in isto graviter peccaverunt. Et hinc credo quod justo Dei judicio taliter in suis mundanis divitiis sunt puniti. Ex hoc enim orta sunt bella, contentio et paupertas multorum saecularium dominorum.—Unde narrat Chronicae, quod in dotatione Ecclesiae vox audita est in aëre angelica tunc temporis sic dicentis: *hodie effusum est venenum in Ecclesia sancta Dei.* Unde a tempore Constantini, qui sic dotavit Ecclesiam, decrevit imperium Romanum, et in ipso dominium saeculare.—Nos autem dicimus illis [dominis temporalibus], quod nēdum possunt auferre temporalia ab Ecclesia habitualiter delinquente, nec solum quod illis licet hoc facere, sed quod debent sub poena damnationis gehennae, cum debent de sua stultitia poenitere et satisfacere pro peccato, quo Christi Ecclesiam macularunt. Cap. 23: *De poenitentia.* Prima est solum in animo et insensibilis, quia contritus Domino confitetur. Illa autem licet sit parvipensa, est tamen virtute maxima, sine qua aliae nihil valent. Secunda vero est poenitentia aggregata ex illa, et expressione vocali singulariter facta Deo, et sic tam Patres legis veteris, quam Patres novi Testamenti communiter sunt confessi. Sed tertia est poenitentia aggregata ex duabus prioribus, et promulgatione secreta private facta Presbytero. Et ad istam poenitentiam magis attendimus propter lucrum. Utrum ista poenitentia tertia sit de necessitate salutis, vel qua auctoritate introducta fuerat, est dissensio apud multos.—Sed non credat aliquis, quin sine tali confessione auriculari stat hominem vere conteri et salvari, cum Petrus injunxit generalem poenitentiam. On the passage Matth. xvi. 19: Quodcunque ligaveris, etc. Non videtur hoc dictum in Petro ulteriorem sapere potestatem, nisi quod omne, quod ligaverit vel solverit super terram conformiter ad Christi judicium et Ecclesiae triumphantis, erit solutum et in caelis. Cap. 25: *De extrema unctione.* This sacrament is not to be grounded upon the passage, James v. 14: cum fidelis posset dicere satis probabiliter, quod ille sanctus Apostolus non specivocat infirmitatem finalem, sed consolationem faciendam a Presbytero, dum aliquis infirmatur, et quia per viam naturae oleum abundans in illis partibus valet ad corporis sanitatem. Ideo talem meminit unctionem, non quod illud oleum agat in animam, sed quod oratio effusa a sacerdote devoto medicat quenquam, ut Deus infirmitati animae suffragetur. Si enim ista corporalis unctio foret sacramentum, ut modo fingitur, Christus et caeteri Apostoli ejus promulgationem et executionem debitam non tacerent.—Et sic in sacramento baptismatis, in sacramento confirmationis et cunctis aliis Antichristus ritus infundabiles adinvenit, et ad onus Ecclesiae extra fidem Scripturae supra fideles subditos cumulavit. Sacramenta autem alia necessaria praetermisit, ut patet de septem operibus spiritualis misericordiae, quae debent apud fideles, et specialiter Presbyteros, esse sacramentum, etc. Cap. 26: *De speciebus ministrorum:* Antichristus habet sub specie cleri procuratores duodecim contra Ecclesiam Christi machinantes, cujusmodi communiter ponuntur Papae et Cardinales, Patriarchae, Archipraesules, Episcopi, Archidiaconi, Officiales, Decani, Monachi et Canonici bifurcati, Pseudofrateres introducti jam ultimo, et Quaestores (from these must be distinguished—sacerdotes Christi, recte ejus Evangelium praedicantes. Et ista pars debet esse quasi anima corpori matris nostrae). Omnes autem isti duodecim, et specialiter Praelati Caesarii et Fratres infundabiliter introducti sunt manifeste discipuli Antichristi, quia libertatem Christi tollunt, ac onerant sanctam Ecclesiam et impediunt, ne currat lex evangelii libere sicut olim. Cap. 27: *Quod Fratres comminiscant haeresim in Ecclesia.* Tres blasphemias de multis ostendi populo de istis Fratribus in vulgari. Prima est de quidditate sacramenti altaris (to wit, quod ipsa consecrata hostia sit accidens sine subjecto); secunda de mendica-

its resistance to ecclesiastical usurpations.<sup>22</sup> The Wycliffites, now as a body called Lollards,<sup>23</sup> were but little disturbed in spite of

tione Christi, et tertia de literis fraternitatum falsissimis (in which they pretend, quod personae, quibus istas concedunt, participabunt post mortem de suis meritis). On this point down to c. 31. Cap. 32: *De indulgentiis*: Superbia eorum, qui Deum oderunt, ascendit semper. Ideo licet fons haeresis et peccati sit in ipso tenebrarum principio, tamen rivulus Fratrum ab eo descendens nititur, ut dictum est, innaturaliter se extollere supra fontem. Fateor, quod indulgentiae papales, si ita se habeant ut dicuntur, tunc sapiant manifestam blasphemiam. Dicitur enim, quod Papa praetendit se habere potentiam ad salvandum singulos viatores:—et nedum ad mitigandum poenas eorum, qui deliquerunt, ad suffragandum eis cum absolutionibus et indulgentiis, nequam veniant ad purgatorium, sed ad praecipendum sanctis angelis, ut anima separata a corpore, indilate ipsam deferant in requiem sempiternam (see § 120, note 10). Et per Fratres coloratur ista blasphemiam per hoc, quod Christus est omnipotens.—Sed Papa est plenus vicarius ejus in terris, et ideo potest idem quicquid potest Christus humamatus.—Unde ad declarandum papalem potentiam pseudofratres in secretis fidei sic procedunt. Supponunt enim primo, quod in caelis sint infinita Sanctorum supererogata merita, et specialiter meritum Domini nostri Jesu Christi, quod sufficeret salvare mundos alios infinitos; et super illum totum thesaurum Christus Papam constituit ad secundum quod sibi libuerit dispensandum: ideo infinitum potest de illo distribuere, cum hoc remaneat infinitum. Contra istam rudem blasphemiam invexi alias primo sic. Nec Papa nec Dominus Jesus Christus potest dispensare cum aliquo, nec dare indulgentias, nisi ut aeternaliter deitas justo consilio definivit.—Item quaero de illis supererogatis meritis sempiternis, in quo membro Ecclesiae subjectantur? Si in Christo et membris suis, mirabile videtur, quod Papa potest a subjectis propriis illa subtrahere propter multa. Primo quia accidens non potest esse sine subjecto. Secundo quia nullus eorum illa desiderat, praeterit illis hora merendi. Et tertio quia plene juxta suum meritum praemiatur. Quomodo ergo Papa potest per rapinam talem imaginativam facere Deo et illis injuriam? Item per deducens ad impossibile declaratur, quod si viator in tempore alicujus Papae damnabitur, ipse Papa erit reus damnationis propter hoc, quod omittit ipsum salvare, etc.—In tales infinitas blasphemias involvitur infatuata Ecclesia, et specialiter per caudam illius draconis, hoc est sectas Fratrum, quae ad illusionem istam, et alias seductiones Ecclesiae Luciferinae deserviunt. Sed eia milites Christi, abjicite prudenter haec atque fictitias principis tenebrarum, et induimini Jesum Christum,—et excutite ab Ecclesia tales versutias Antichristi, etc.—Cap. 33 to 38 are against the mendicant friars. With this should be compared the collection of his opinions, in the original passages, as given in Lewis, p. 125, among which his statements with regard to the abuse of the mass, artistic Church music, images, consecrations with oil, salt, wax, etc., canonizations, pilgrimages, ecclesiastical asylums, celibacy of the clergy, are worthy of notice. Heresy he defines, p. 140, as Error meynthened agenst holy Writt, and that in Life and Conversation, as well as in Opinion. His condemnation of war and capital punishment is also remarkable. Compare, Die theologische Doctrin J. Wicliffe's von D. E. A. Lewald, in Niedner's Zeitschr. f. d. hist. Theol. 1846, ii. 171; iv. 503. Wicliffe als Prediger, Progr. v. J. G. V. Engelhardt, Erlangen, 1835.

<sup>22</sup> See above, § 105, note 9.

<sup>23</sup> There is a list of Wycliffe's most distinguished adherents in Wood, Hist. Univ. Oxon. p. 186, and in Lewis, p. 175.—Henricus de Knyghton, lib. v. p. 2660: Erant etiam milites, dominus Thomas Latymer, dom. Johannes Trussel, etc.—cum Ducibus et Comitibus, isti erant praecipue eis adhaerentes et in omnibus eis faventes.—Cumque aliquis pseudo-paedicator ad partes alicujus istorum militum si diverteret praedicationis causa, in continenti cum omni promptitudine populum patriae convocare, et ad certum locum vel Ecclesiam cum ingenti sollicitudine congregare satagebat, ad audiendum vocem eorum, licet invitos, resistere tamen vel contradicere non audentes. Nam assistere aut juxta sic inepte praedicantes gladio et pelta stipati, ad eorum defensionem, ne

all the clerical condemnations.<sup>24</sup> They even addressed a request to the King and Parliament, in 1394, to reform the Church upon Wycliffe's principles.<sup>25</sup> This, indeed, remained without result,

quis contra eos aut eorum doctrinam blasphemam aliquid tentare vel contradicere quandoque auderet.—Crevit populus credentium in ista doctrina, et quasi germinantes multiplicati sunt nimis, et impleverunt ubique orbem regni,—audacesque ad plenum facti sunt.—Sicque a vulgo Wyclif discipuli et *Wycliviani* sive *Lollardi* vocati sunt.—Secta illa in maximo honore illis diebus habebatur et in tantum multiplicata fuit, quod vix duos videres in via, quin alter eorum discipulus Wyclefi fuerit.—Thomas Walsingham, in his *Hypodigma Neustriae*, p. 544 : Lollardi sequaces Johannis Wickliff in tantam sunt evecti temeritatem, ut eorum Presbyteri more Pontificum novos crearent Presbyteros, asserentes, quemlibet sacerdotem tantam habere potestatem conferendi sacramenta ecclesiastica, quantam Papa.—Audierunt et cognoverunt haec regni Pontifices, sed abierunt alius in villam suam, alius ad negotiationem suam : solus Norwicensis temporibus malis ausus est esse bonus. Henricus de Knyghton, p. 2760, says of them : insuper novos errores antiquis immiscent, and then gives a catalogue of twenty-five errors, among which, besides the Wycliffite doctrines already noticed, the following appear : VII. quod non est supplicandum Sanctis orare pro viventibus, nec dicenda est Letania : affirmant enim Deum omnia facere, ipsos nihil facere posse, quos Sanctos vocamus. Sed multos eorum praedicant esse in inferno, quorum festa celebrantur. XI. quod nullus intrabit regnum caelorum, nisi omnibus renuntiaverit, ea dando pauperibus, solum Deum sequendo, modo ipsorum. XIII. quod omnia inter clericos debent esse communia. XVI. quod non licet aliquo modo jurare.

<sup>24</sup> Cf. Wilkins, *Conc. Britanniae*, iii. 202 ss. Compare, especially, *Conc. Londin.*, ann. 1396, p. 277 ss. (*Manal xxvi*, p. 811 ss.), where again eighteen positions of Wycliffe's were condemned.

<sup>25</sup> They presented twelve *Conclusiones*, in Lewis, p. 298, in Wilkins, *Conc. M. B.* iii. 221 : *Prima conclusio* est, quod, quando Ecclesia Angliae incepit delirare in temporalitate secundum novercam suam magnam Ecclesiam Romanam, et Ecclesiae fuerant auctorizatae per appropriationem diversis locis ; fides, spes, caritas inceperunt fugere de Ecclesia nostra, quia superbia cum sua dolorosa genealogia mortalium peccatorum vindicabat hoc titulo veritatis.—*Secunda conclusio*, quod nostrum usuale sacerdotium, quod incepit in Roma, fictum potestate Angelis altiori, non est istud sacerdotium, quod Christus ordinavit suis Apostolis.—III. quod lex continentiae injuncta sacerdotio, quae in praedictum mulierum prius fuit ordinata, inducit Sodomiam in totam sanctam Ecclesiam.—IV. quod fictum miraculum sacramenti panis inducit omnes homines—in idololatriam—Sed vellet Deus, quod ipsi vellet credere, quod *Doctor Evangelicus* dicit in suo *Trialogo*, quod panis Altaris est accidentaliter corpus Christi.—V. quod Exorcismi et benedictiones factae super vinum, panem, aquam et oleum, sal, ceram et incensum, lapides Altaris, et Ecclesiae muros, super vestimentum, mitram, crucem et baculos peregrinorum sunt vera practica necromantiae potius quam sacrae theologiae.—VI. quod Rex et Episcopus in una persona, Praelatus et iudex in temporalibus causis, Curatus et Officialis in mundiali officio facit quodlibet regnum extra bonum regimen.—VII. quod spirituales orationes pro animabus mortuorum factae in Ecclesia nostra, praeferentes unum per nomen antequam alium, est falsum fundamentum eleemosynae.—VIII. quod peregrinationes, orationes, et oblationes factae caecis crucibus sive *Rodys*, et surdis imaginibus de ligno et lapide, sunt prope consanguineae ad idololatriam :—imago usualis de trinitate est maxime abominabilis.—IX. quod auricularis confessio, quae dicitur tam necessaria ad salvationem hominis, cum ficta potestate absolutionis, exaltat superbiam Sacerdotum, et dat illis opportunitatem secretarum sermocinationum, quas nos nolumus dicere, quia domini et dominae attestantur, quod pro timore confessorum suorum non audent dicere veritatem, et in tempore confessionis est opportunum tempus procationis, id est of *Wocynig* et aliarum secretarum conventionum ad peccata mortalia. Ipsi dicunt, quod sunt commissarii Dei ad iudicandum de omni peccato, ad perdonandum et mun-



but also without punishment. But when, upon the dethronement and murder of Richard II. (1399), the house of Lancaster came into power with Henry IV.,<sup>26</sup> the new King believed that he could secure himself on the throne he had usurped only by the help of the clergy. Opposition to them was given up. On the other hand, strict laws of heresy were forthwith issued.<sup>27</sup> True, they could not be brought into immediate operation on account of the threatening aspect of the other party; but from the time that Henry V. mounted the throne (1413), principally by the suggestions of the King's confessor, Thomas Waldensis the Carmelite,<sup>28</sup> they were brought to bear upon the Wycliffites with such blood-thirsty zeal,<sup>29</sup> that their numbers were greatly diminished, and

dandum, quemcumque eis placuerit. Dicunt, quod habent claves caeli et inferni, et possunt excommunicare et benedicere, ligare et solvere ad voluntatem eorum, in tantum quod pro bussello vel XII. denariis volunt vendere benedictionem caeli per cartam et clausulam de warrantia (*garantie*) sigillata sigillo communi.—X. quod homicidium per bellum vel praetensam legem iustitiae pro temporali causa, sine spiritali revelatione, est expresse contrarium Novo Testamento, quod quidem est lex gratiae et plena misericordiarum.—XI. quod votum continentiae factum in nostra Ecclesia per mulieres, quae sunt fragiles et imperfectae in natura, est causa inductionis maximorum horribilium peccatorum possibilium humanae naturae: quia, licet interfectio puerorum antequam baptizentur, et abortivorum, et destructio naturae per medicinam sint turpia peccata, adhuc commixtio cum seipais vel irrationalibus bestiis, vel creatura non habente vitam, tali transcendit indignitate, ut puniantur poenis inferni.—XII. quod multitudo artium non necessariarum usitatarum in nostro regno nutrit multum peccatum in *vaste* curiositate et inter *disguising*.—Videtur nobis quod aurifabri et armatores, et omnimodae artes non necessariae homini secundum Apostolum destruerentur pro incremento virtutis.

<sup>26</sup> On this revolution, see Flathe's *Geschichte der Vorläufer der Reform.* ii. 250.

<sup>27</sup> The statute *De Comburendo Haeretico* was issued, in 1400, by King and Parliament (Wilkins, *Conc. M. B.* iii. 252). To complete the statute, the heresies which should be persecuted were designated, on the part of the clergy, in the *Constitutiones dom. Thomae Arundel Cantuar. Archiep.* ann. 1408 (in Wilkins, iii. 314). These were directed against preaching without license from the authorities, against erroneous doctrines about the sacraments, against Wycliffe's works, against translations of the Bible, and so on. *Const. VII.*: Periculosa quoque res est, testante b. Jeronymo, textum sacrae Scripturae de uno in aliud idioma transferre, eo quod in ipsis translationibus non de facili idem in omnibus sensus retinetur, prout idem b. Jeronymus, *etsi inspiratus fuisset, se in hoc saepius fatetur errasse. Statuimus igitur et ordinamus, ut nemo deinceps aliquem textum sacrae Scripturae auctoritate sua in linguam Anglicanam vel aliam transferat per viam libri, libelli aut tractatus: nec legatur aliquis hujusmodi liber, libellus aut tractatus jam noviter tempore dicti Johannis Wycliff, sive citra, compositus, aut in posterum componendus, in parte vel in toto, publice vel occulte, sub majoris excommunicationis poena, quousque per loci dioecesanum, seu si res exegerit per Concilium provinciale ipsa translatio fuerit approbata. Qui contra fecerit, ut fautor haeresis et erroris similis puniatur.*

<sup>28</sup> He wrote, besides many other books, *Doctrinale Antiquitatum Fidei Ecclesiae Cathol.* (against Wycliffites and Hussites), ed. Paris, 1532. Venet. 1571 fol.

<sup>29</sup> The persecution began with the arrest of John Oldcastle, Lord Cobham, who escaped from the tower, but was afterward imprisoned again, and, in 1416, hung in chains and burned. Compare Walsingham, *Hist. Angliae*, p. 382 ss. Ejusd. *Hypodigma Austriacae*, p. 574 ss. Jo. Fox *Barum in Ecclesia Gestarum, quae Postremis et Perica-*

the remnant withdrew into concealment. Persecuted truth, however, quickly rose again to life in Bohemia, like a phoenix from the ashes; and the renewed condemnation of Wycliffe at the council of Constance, as well as the burning of his bones in 1428,<sup>30</sup> only served to bring to light the weakness of earthly power when opposed to truth and spiritual freedom. For even in England Wycliffitism continued, though in deep concealment, and under heavy persecutions, until the great Reformation of the sixteenth century.<sup>31</sup>

lois his Temporibus evenerunt (Basil. 1559 fol.), i. 97; Vaughan, ii. 361; Flathe, ii. 261; Weber, I. i. 117.—Comp. Thomas Waldensis, in *prooemio* (Raynald. ann. 1414, no. 16): Henricus V., Christo et mundo commendatissimus inter Reges, gaudebat in ipso regni sui primordio contra Wiclevistas haereticos erexisse vexillum, dum scilicet ad Christi natalem cum duce iniquitatis eorum Joanne Castriveteris (*Oldcastle*) contra inclytum Regem conspirare coeperunt: nec mora longa processit, quin statutum publicum per omne regni concilium in publico emanavit edicto, quod omnes Wiclevistae, si- cut Dei proditores essent, sic proditores Regis et regni proscriptis bonis censerentur, dupli- ci poenae dandi, incendio propter Deum, suspendio propter Regem: factumque est ita. Stat res jure perenni. Multi eorum deprehensi ignibus consumti sunt, contriti sunt: et sic malignantium habita opportunitate relicto regno decesserunt. Si qua alia gens (Bohemians) hujus fascinata criminibus colligere dignum ducat paleas, quas nos auctoritate sanctorum antistitum cum clero regni et principali terrore discussimus, quis imputet Anglicis? Mare nostrum ejicit mortuos nostros, et terra nostra dedit fructum centuplum, quis criminabitur Angliam quod populus circumventus dolo haeretico mor- tuos nostros colit et veneratur ut Deos?

<sup>30</sup> The council of Constance, in its eighth session, 4th May, 1415, condemned forty-five articles of Wycliffe's, adjudged his works to the flames, and decreed at last, corpus ejus et ossa, si ab aliis fidelium corporibus discerni possint, exhumari, et procul ab ecclesiastica sepultura jactari secundum canonicas et legitimas sanctiones (v. d. Hardt, Conc. Const. iv. 150). The execution of this last command, however, had to be enjoined over again by Martin V. upon the Bishop of Lincoln, so late as 1427 (Raynald. ann. 1427, no. 14).

<sup>31</sup> Burnet, Hist. Reform., i. 15.—The opinion of the earlier Lutheran divines upon Wycliffe was unfavorable. Luther censures the "too acute Wickleff" for his doctrine of the Lord's Supper (Bekentnis vom Abendmal Christi, in Walch's Ausg. Th. 20, s. 1808 and 1294). Melancthon, in the Apologia August. Confess., ad. art. xvi.: Plane furebat Wicleffus, qui negabat licere sacerdotibus tenere proprium. And again, in the Unschuldige Nachrichten, A.D. 1712, s. 558, it is said that Wycliffe can not "unter die rechten Zeugen der Wahrheit gezehlet werden, weil er selbe vielmehr zufällig bezeuget, und viel *sonsticos naevos* gehabt hat."

## NINTH CHAPTER.

## EXTENSION AND LIMITATION OF CHRISTENDOM.

## § 126.

If we were to allow that the mere performance of the baptismal ceremony was equivalent to conversion to Christianity, then the conversion of the last heathen nations in Europe began at this time. In Lithuania individuals had already betaken themselves to the Russian Church, when the Grand Duke Jagello, in order to win the young Hedwig to wife, and with her the crown of Poland, was baptized into the Roman Church, 1386, and required his subjects to follow his example.<sup>1</sup> Many of them were indeed baptized;<sup>2</sup> but the sentiments of the Lithuanians remained for a long

<sup>1</sup> Jo. Dlugossus (canon at Cracow, † 1480), *Hist. Poloniae*. Francof. 1711 fol. lib. x. p. 96 ss. According to page 104, at the same time with Jagello, his brother Switrigal, and his cousin Witoudt, were baptized; reliqui Lithuaniae Duces, fratres Ducis Jagyellonis cum dudum ante Graecorum ritu baptismata sortiti fuerint, ad iterandum, vel ut significantiori verbo utar, ad supplendum baptismata non poterant induci. Compare Schlözer's *Gesch. von Lithauen*, in the *Allgem. Weltgesch.* Th. 50, s. 84 ff.

<sup>2</sup> Jo. Dlugossus, l. c. p. 109 s. In the year 1387 Jagello, now Wladislas II., went with a great retinue to Lithuania, and had the heathen sanctuaries destroyed. Confractis autem et exterminatis idolis, dum Deorum suorum falsitatem—oculis pervidissent, universa Lithuanorum gens et natio fidem christianam suscipere—prona et obedienti devotione consensit. Per dies autem aliquot de articulis fidei, quos credere oportet, et oratione dominica, atque symbolo per sacerdotes Polonorum, magis tamen per Wladislai Regis, qui linguam gentis noverat et cui facilius assentiebat, [operam] edocta, sacri baptismatis unda renata est, largiente Wladislao Rege singulis ex popularium numero post susceptum baptismata de panno ex Polonia adducto novas vestes, tunicas, et indumenta. Qua quidem provida liberalitate et largitione effecit, ut rudis illa natio et pannosa, lineis in eam diem contenta, fama hujusmodi liberalitatis vulgata pro consequendis laneis vestibus catervatim ad suscipiendum baptismata ex omni regione accurreret. Et quoniam labor immensus erat, unumquemque credentium baptisare singillatim, concurrentis ad baptismata populi Lithuanici utriusque sexus multitudo mandante Rege sequestrabatur in turmas et cuneos, et universis de qualibet turmarum benedicta aqua sufficienter conspersis, cuilibet etiam turmae et universis, qui in ea constiterant, nomen christianum et usitatum abrogatis barbaricis, videlicet primae turmae *Petrus*, secundae *Paulus*, etc.,—imponebantur. Militaribus tamen et natu majoribus speciale impendebatur baptismata, etc. The facts which follow throw some light on the character of these conversions; the Lithuanian prince, Witoudt, was baptized in Prussia as early as 1384, when he fled to the German Order (see *Jahrbücher Johannes Lindenblatt's*, a contemporary, edited by Joh. Voigt u. Schubert, Königsberg, 1823, s. 60), and afterward a second time by some Russian priests (see Lucas David, † 1583, *Preuss. Chronik*, herausgeg. v. Henning, Bd. 7, s. 174, Anm. s. 189, 225), before he received baptism at Cracow. The Samaites (Samogitae), a Lithuanian tribe, asked for baptism from the German Order in 1401 (*Lindenblatt*, s. 130); in 1413, King Wladislas found the country still entirely heathenish, he overran and converted it (*Dlugossus*, lib. xi. p. 342 ss.); but in 1418 the

time heathenish.<sup>3</sup> The case was the same with regard to the conversion of the Laplanders, commenced by Hemming, archbishop of Upsala, in 1335.<sup>4</sup>

The popes still continued to delude themselves with the vain hope of winning the Mongols. Most of their tribes declared themselves all the more decidedly in favor of Mohammedanism.<sup>5</sup> The young Christian community in China<sup>6</sup> was completely broken up in 1369 by the expulsion of the Mongols from this country.<sup>7</sup>

### § 127.

#### PERSECUTIONS AND CONVERSIONS OF THE JEWS.

The mutual fanatical hatred which existed between the Jews and the Christians could only find expression, on the part of the former, in a covert and concealed manner; while, on the side of the Christians, it frequently<sup>1</sup> broke out in bloody persecutions of the

Samaites drove out their priests once more, burned their churches, and returned to heathenism again (Lindenblatt, s. 334).

<sup>2</sup> Aeneas Sylvius, *De Statu Europae sub Frider. III. c. 20* (in *Freheri Rer. Germ. Scriptt.*, ed. Struve, ii. 114), relates from the mouth of a certain monk, Hieronymus Pragensis, how he had found idol-worship completely prevalent shortly before the council in Lithuania. When Jerome, supported by King Wladialas and Duke Witoudt, began to destroy the sanctuaries, there was a threatening of rebellion: *motus ea re Witoldus, veritusque populorum tumultum, Christo potius quam sibi deesse plebem voluit, revocatisque literis, quas Praesidibus provinciarum dederat, jubens parere Hieronymo, hominem ex provincia decedere jussit.* Even in the 16th century secret idolatry was found in Lithuania, Lucas David, vii. 205.

<sup>4</sup> Jo. Schefferi *Lapponia, Francof. 1673. 4. p. 68 ss.* Dalin, *Gesch. des Reichs Schweden*, ii. 169.

<sup>3</sup> Compare vol. ii. § 93, note 8. Mosheim, *Hist. Tartarorum Ecclesiast.* p. 90 ss.

<sup>5</sup> What its condition was may be seen from the letter of the Franciscan, Andreas de Perusio, bishop of Canton, in Raynald. 1826, no. 81: *In isto vasto imperio sunt gentes de omni natione, quae sub caelo est, et de omni secta, et conceditur omnibus et singulis vivere secundum sectam suam. Est enim haec opinio apud eos, seu potius error, quod unusquisque in sua secta salvatur. Et nos praedicare possumus libere et secure, sed de Judaeis et Saracenis nemo convertitur: de idololatriis baptizantur quamplurimi, sed multi ex baptizatis non recte incedunt per viam Christianitatis.*

<sup>7</sup> Mosheim, l. c. p. 119 ss.

<sup>1</sup> Compare Jost's *Gesch. der Israeliten seit der Zeit der Maccabäer*, vi. 841, and vii. Frequent pretexts for persecution were, the poisoning of fountains, the murder of Christian children, and desecration of the host. The persecution for poisoning fountains was most fearful in the year of the great plague, 1349 (*Chron. Mellic. in Pexii Scriptt. Rer. Austr. i. 248: Judaei in Suevia et Bavaria cremati fuerunt, quia convicti quidam profetabantur, se mortalitatem praedictam inter Christianos pulvere toxicato generasse*). However much inclined we may be, in this case, to make allowance for popular opinion, misguided by the singularity of the mortality, it is still surprising that it should be stated in the protocol received from the Jews at Freiburg (*Schreiber's Urkundenbuch der Stadt Freiburg im Breisgau, i. 878*) that in Waldkirch, according to the Jews' own statement, sacks of poison were found in the fountains (s. 388). No less remarkable are

Jews. One of the severest was that which extended from Seville,

the proceedings on the death of a Christian child in Diessenhoven, A.D. 1401 (Schreiber, ii. 167). The perpetrator of the crime, a Christian servant, was taken in the very act, and declared he was employed by the Jews to give them the child's blood. By this declaration he could not better his fate, but rather made it worse. The Jews who were arrested confessed; but they are manifestly only responding to the prejudices of the Christians when they are made to say, that they must, at least once in seven years, have the blood of a Christian child under thirteen years of age for their passover; that they partook of it as they had done before of the Paschal Lamb, smeared themselves with it, and swallowed it for the refreshment indeed of the body ("ze Fristung ihres Lïbes"), but especially that they might not *smell of the stench*; besides, they said, they were able by means of the dried-up blood to cause a plague within a circle of half a mile, or poison the air. At an examination in Endingen, 1470 (Schreiber, ii. 520), they answered, on the contrary, that they used the blood as an ointment after circumcision. The diversity of these statements proves that they were borrowed from the popular opinions of the day. Torture compelled men in those days to confess all that was desired. And when Jews confessed without torture (as in Schreiber, ii. 110 and 170), we may understand that they foresaw death to be inevitable, and wished to undergo it without previous torments. However, in both the cases mentioned above, the *corpora delicti* and their weight of evidence do not admit of being denied. That the Jews, according to their law, required no human blood for the Paschal feast is certain, and on occasion of the Jews' persecution at Damascus, in 1840, was demonstrated with overwhelming proofs (see the list of the works in Ilgen's Zeitschrift, f. d. hist. Theol. 1841, iv. 174. Compare also Sualschütz, *ibid.* s. 139). But it is a different question whether the Jews might not have been misled to criminal deeds by their hatred of the Christians, and whether, among the manifold superstitions which had flowed in among them since the olden time (see vol. i. Div. 1, § 17, note 9), one of them may not have been to require the blood of a child in certain malpractices. Even if there were ground for the charge in isolated cases, yet the innocent may have been still more frequently put to death on this accusation. The desecration of the host is certainly, for the most part, erroneously charged upon the Jews. The very desire which was attributed to them, of crucifying Christ afresh and putting him to shame, is conceived altogether in the strain of the Catholic doctrine of transubstantiation. That the fraud of the Christian priesthood was often active in this matter is plain from Benedicti XII. Epist. ad Albertum Ducem Austriae, in Raynald. ann. 1338, no. 18: When a persecution of the Jews had arisen upon occasion of the discovery of a blood-stained host before the house of a certain Jew in the district of Passau, the Duke took the part of the Jews, and wrote to the Pope, quod olim in ducatu Austriae in oppido Neirmiburch—quaedam hostia non consecrata cruore mactata per quemdam clericum in Ecclesia dicti oppidi posita fuit, qui postmodum—confessus fuit, se dicto cruore praefatam hostiam madidasse ad praesumptionem inducendam, quod a Judaeis contumeliose debonestata taliter extitisset in opprobrium Salvatoris, quae etiam cum a Christifidelibus per aliquod temporis spatium tanquam verum corpus Christi adoraretur, demum vermibus tineisque scaturiens demolita extitit penitus et consumpta. Quam quidam clericus ejusdem Ecclesiae sic consumptam aspiciens suggestione diabolica persuasus, errorem errori accumulans, aliam hostiam non consecratam, cruore per ipsum intinctam, loco praedictae hostiae sic consumptae reponere minime formidavit, sicut postmodum per confessionem ejusdem clerici talia perpetrantis extitit revelatum: eademque hostia in alterius locum supposita—usque ad hodiernum diem tanquam verum corpus dominicum a Christifidelibus hujusmodi fraudem ignorantibus veneratur.—Casus similis ob invidiam et odium Judaeorum in oppido Werchartstof coeperat exoriri, etc. Jo. Vitoduranus also relates another such case, in the Thesaurus Hist. Helvet. p. 44 sq., and adds thereto, the lying priest—suo Diocesano erat praesentatus, qui eum captum et vincitum detinuit per plures dies, sed quod arctae custodiae carceris traditus fuerit, vel alias secundum exigentiam malitiae suae punitus sit, non audivi: quod ex intimis meis doleo praecordiis.—Quod autem Episcopus suus remissus

in the year 1390, over a large part of Spain, and effected a great number of seeming conversions.<sup>2</sup>

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## FIRST APPENDIX.

### HISTORY OF THE GREEK CHURCH.

#### § 128.

##### EFFORTS FOR UNION WITH THE LATIN CHURCH.

Leo Allatius, *De Eccl. Occident. et Orient. Perp. Consensione*, lib. ii. c. 16-18.

In order to avert the danger which threatened them from the side of the Turks, by the help of the Western Powers the Greek emperors labored, almost without interruption throughout the fourteenth century, to effect a reunion of the two divided Churches. But besides themselves, and a small party at court, no one else on either side would consent to yield, and thus all efforts were necessarily frustrated. First the Emperor Andronicus III. Palæologus (1328-1341) opened fresh negotiations (1333),<sup>1</sup> in consequence of which a Greek embassy negotiated at Avignon (1339), but in vain.<sup>2</sup> True, the most eminent of these ambassadors, the Greek

*et negligens fuit,—in eo, ut quidam ajunt, ratio haec est, quia per pecuniam—plebani—corruptus fuit.* It is, however, very possible that the Jews, in some of the many cases of the kind, in order to strengthen themselves in their conviction of the idolatry of the Christians, procured consecrated hosts and examined them in every way.

<sup>2</sup> Jost, vii. 53.

<sup>1</sup> See the brief of Pope John XXII. to the Greek Emperor, the Patriarch of Constantinople, etc., in Raynald. ann. 1333, no. 17 ss.—On the negotiations of two bishops, ambassadors of the Pope at Constantinople (1334), see Niceph. Gregorae Byzantina Hist. lib. x. c. 8 (ed. Bonn. 1829, i. 501), who took an active part in them himself.

<sup>2</sup> On this point, see the protocol (in Raynald. ann. 1339, no. 19 ss., and, from another manuscript, in Allatius, l. c. p. 788 ss.), and Benedicti XII. Ep. ad Philippum Regem Francie, in Raynald. ann. 1339, no. 33. The Greek ambassadors held, quod in generali concilio—articulus de processione Spiritus sancti per disputationes et concertationes ibidem concordaretur inter Latinos et Graecos: quodque ante omnia super recuperatione trium vel quatuor civitatum magnarum, quae per Turcos—detineri dicuntur,—praestaretur auxilium. Barlaam, the Greek ambassador, who was the principal speaker, promised, quaecumque a generali concilio determinata fuerint, omnes Orientales libenter haec recipient.—Si autem aliquis dicet, quia jam factum est de istis generale concilium in Lugduno, in quo fuerunt et Graeci (vol. ii. § 95, note 15): sciat, quod nemo poterit humil are populum Graecum, ut recipiant illud concilium sine alio concilio. Quare? quia illi Graeci, qui interfuerunt isti concilio, non fuerunt missi neque a quatuor Patriarchis, qui gubernant orientalem Ecclesiam, neque a populo, sed a solo Imperatore, qui conatus fuit facere unionem vobiscum ex vi, et non voluntarie. But the aid against

the Turks—so ran Barlaam's petition—ought to precede the council, first, quod naturaliter omnes homines magis volunt subjugari beneficientibus eis, quam contra facientibus; secondly, because the Emperor could not summon a council before the close of the Turkish war, neque enim dum guerra fit, poterit quatuor Patriarchas et alios Pontifices in unum conjugare, nec concilio poterit interesse. The Pope refused a general council, because—non esset decens,—sic clarum determinatum et definitum articulum fidei—nunc per novas disputationes—in dubium revocare. Then Barlaam made the remarkable proposal, quod saltem, si ad profitendum dictum articulum Graeci forsitan induci non possent, reunionem factam permitterentur ipsi Graeci quod super eodem articulo tenent credere, Latinique crederent catholice Spiritum sanctum a Patre et Filio procedere; but, responsum extitit, hoc esse nullatenus tolerandum, quia in Ecclesia catholica, in qua una fides esse noscitur, quoad hoc duplicem fidem minus veraciter esset dare. The Pope, on the other hand, proposed that the Greek Church should choose plenipotentiaries, and send them into the west, qui cum aliis viris sapientibus,—per sedem apostolicam super hoc deputandis, non per modum disputationis vel concertationis, sed instructionis, quoad Graecos ipsos, salutifere haberent maturos et diligentes tractatus. Barlaam fell back upon his last proposal: The Pope should send ambassadors to the four Greek Patriarchs and the Emperor with the following declaration: *Viri fratres, quoniam vos et nos confitemur in divinis unam substantiam et tres personas, etiam unum principium, et neque vos neque nos adducimus in divinis aut identitatem personarum, aut divisionem substantiae; sufficientia ista nobis, ut habeamus unionem. De processione autem Spiritus sancti non dividamur ab invicem; sed sapientes quidem vestri cum nostris disputent de ista quaestione si volent: communiter vero non haberemus propter hoc divisionem, sed tenete vos quod vultis de isto, et nos similiter: et non damnemus propter hoc alterutrum, sed factum sit tantum. Vos quidem date Ecclesiae Romanae illum honorem, quem dabant et antiqui Patriarchae in tempore unionis, quem determinaverunt etiam leges Imperatorum et canones sanctorum Patrum, et plus non petimus a vobis: Nos autem parati sumus dare et firmare Ecclesiae orientali, et specialiter Ecclesiae Constantinopolitanae et imperio Constantinopolitano omnia iura, quae sunt vel ab antiqua consuetudine, vel determinata aut a legibus Imperatorum aut a canonibus sanctorum Patrum.* Most of the Greeks would yield obedience to such a demand. The Pope's final answer was, quod ex eo justa petitio non videtur, quia si [Graeci] fortificati, ditati, exaltati et confirmati per sedem apostolicam, Reges, Principes et populos catholicos ante reunionem praedictam, postea terga et non faciem verterent Romanae Ecclesiae memoratae, sicut alias, dum credebantur reuniri,—fecisse noscuntur: proculdubio idem dominus summus Pontifex, Ecclesia, et fideles remaneret delusi, et dici posset opprobrium non modicum, quod suos et fidei jurerant et fortificaverant inimicos et hostes, et participassent scandalose cum eis. Sed si per illum, qui omnem hominem venientem in hunc mundum illuminat, eorum Graecorum cordibus infusione gratiae spiritualis illustratis, per viam tactam per eundem dominum nostrum vel aliam accommodam et honestam ad obedientiam—Romanae Ecclesiae redire curaverint cum effectu; ipsos tunc effusis gaudiis, ac gratis et favoribus largiflue dispensatis—ipso dominus noster et apostolica sedes recipient,—non solum super his quae petunt, sed super aliis eorum opportunitatibus exhibitori tunc—auxilia, consilia et favores. Lastly, Barlaam explained how the way proposed by the Pope—de mittendis pro parte Graecorum sapientibus—was almost impossible, viz.: quia Imperator non audet manifestare se, quod velit uniri vobiscum, quoniam si manifestasset se, multi ex principibus suis, etiam ex populo, timentes ne forte ipse vellet facere, sicut fecit ipsis Michael Palaeologus, quaererent opportunitatem interficiendi illum. Praeterea Ecclesia Constantinopolitana non mitteret ad hoc negotium legatos suos sine consilio et consensu Patriarcharum Alexandrini, Antiocheni et Hierosolymitani: quare oportet eos in simul congregare, quod est difficile propter guerras: et praeter hoc incertum est, si vocati ad hoc voluissent venire: et dato, quod jam venissent, et omnes unanimiter concordassent ad mittendum legatos super praedictis, ipsi non darent unquam plenum posse super hoc talibus legatis, nec promitterent illud quod factum fuisset per ipsos legatos ratum habere, nisi sub certis articulorum pactis, quae pacta vos nullatenus admitteretis. Barlaam departed with the promise, that he would still labor zealously to accomplish this end; however nothing was done.

abbot, Barlaam,<sup>3</sup> induced by his controversy with Gregorius Palamas, went over to the Latin Church himself, A.D. 1341, and invited his former companions in the faith to follow him.<sup>4</sup> But even the step of the Emperor himself, John V. Palæologus (1341–1391), who, in his straitened circumstances, repeatedly swore allegiance to the Pope (1355 ss.),<sup>5</sup> failed to move the Greek people to

<sup>3</sup> Before his accession to the Latin Church, he had written several works against it; see Allatius, l. c. p. 825 ss. Cave Hist. Literaria, vol. ii. App. p. 87, especially, *λόγος περὶ τῆς τοῦ Πάπα ἀρχῆς*, best edited in Cl. Salmasii Libr. de Primatu Papae. App. p. 101.

<sup>4</sup> In five letters; see Allatius, l. c. p. 839 s. Four of them may be found in Canisii Lectt. Ant. ed. Basnage, iv. 369.

<sup>5</sup> He swore to a Papal nuncio, in 1355 (Raynald. ad h. a. no. 84): in primis quod ero fidelis, obediens, reverens, et devotus beatissimo patri et domino, domino Innocentio sacrosanctae Romanae ac universalis Ecclesiae—summo Pontifici, et ejus successoribus. —Item quod faciam toto posse meo,—quod omnes populi sub nostro imperio constituti —erunt fideles, obediens, reverentes et devoti eisdem domino nostro et summo Pontifici, et ejus successoribus. Et quia diuturnitas temporis induravit et aggravavit animos populorum, et vix possent a consuetis retrahi, et per viam novam incedere, nisi cum modo sapientiae et moderatione prudentiae: istum modum, qui sequitur,—ordinavi: He was ready to send his son Manuel Palæologus to the Pope; in return, the Pope was to send him fifteen transport ships (usceria), five galleys (galeas), 500 knights, and 1000 foot soldiers for six months, to carry on his war against the Turks, in quo tempore legatus domini nostri Papae dabit beneficia et dignitates ecclesiasticas personis sufficientibus graecis, qui ad unionem et obedientiam Ecclesiae sponte redibunt, secundum quod sibi et nobis melius videbitur. Ubi vero infra sex menses—Graeci sponte ad obedientiam Ecclesiae noluerint redire, quod non credimus, promittimus ex nunc pro tunc, quod faciemus cum consilio et deliberatione legati domini nostri Papae, quod omnino erunt obediens. He promises to assign to the Papal Legate—palatium magnum, and, pulchram et venerabilem Ecclesiam. Item dabo filio meo primogenito unum magistrum latinum, qui docebit eum literas et linguam latinam de consilio et voluntate dicti legati. Item dabo hospitia tria magna, in quibus tenebuntur scholae literarum latinarum, et ego dabo operam efficacem et favorem cum corde sincero, quod filii magnatum et potentum Graecorum ibunt addiscere literas latinas. In casu ubi praedicta omnia et singula non observarem,—ex nunc pro tunc judico auctoritate imperiali me indignum imperio, et privo memet ipsum jure imperii, et transfero, do, cedo jus et potestatem imperii et imperandi in praedictum filium meum;—transfero jus patriae potestatis in—summum Pontificem super dictum filium meum:—do, concedo et trado potestatem—summo Pontifici, quod possit acquirere—imperium nostrum pro dicto filio nostro tanquam pro vero et legitimo Imperatore, et dare eidem filio meo uxorem, bajulos (governors), tutores et curatores usque ad praefinitum tempus a jure; et possit de praedicto imperio ordinare et disponere tanquam de imperio sibi de jure debito, vice et nomine praedicti filii nostri, etc. In case, however, that he fulfilled all the conditions, the Pope was to support him with troops from several countries, and contribute toward their support; but the Emperor was to be—principalis capitaneus et signifer et vexillarius s. matris Ecclesiae cum mero et mixto imperio et plenaria potestate—over the whole army. If the Emperor were to fail to fulfill all—pro eo quod potentia et non voluntas deficeret, and appear in person before the Pope, the Pope should lend him aid for the reconquest of his kingdom. Nevertheless, just as the Pope's summons to the knights of St. John, to lend their assistance to the Emperor, remained without effect (Raynald. l. c. no. 88 ss.), so also his continued exhortations to the Emperor, to come over to the Church of Rome with all his people, produced no result (Raynald. ann. 1365, no. 22; ann. 1366, no. 1). True, the Emperor took a fresh oath of obedience, as regards the Pope, to Lewis, king of Hungary, to whom he came in



follow his example.<sup>6</sup> His son and successor, Manuel II. (1391-1425), even wrote against the Latins.<sup>7</sup> Several Greek authors besides him in this century wrote against the distinctive doctrines of the Latin Church.<sup>8</sup> There was, however, no lack of others, who went over to the Latins after Barlaam's example, and then attacked their former Church.<sup>9</sup>

### § 129.

#### HESYCHAST CONTROVERSY.

Dionys. Petavius, De Theolog. Dogmatibus, t. i. lib. i. c. 12, 13. Engelhardt über die Hesychasten, in Ilgen's Zeitschr. f. d. hist. Theol. viii. i. 68.

That vision of Deity which, according to the Pseudo-Dionysius, ought to be pursued as the loftiest aim of mystic zeal,<sup>1</sup> was conceived by the monkish saints on Mount Athos in the rudest manner; they imagined that, by an ascetic repose, they could attain

person in quest of aid (Raynald. ann. 1366, no. 4), and ended in going over to the Latin Church at Rome in 1369, by swearing to a Roman confession of faith (Raynald. 1369, no. 2; in Greek, in Allatius, p. 843 ss.): however, neither was the wished-for aid granted, nor the union of the Churches effected.

<sup>6</sup> Petrarca Rerum Senilium lib. vii, circa finem: *Graeculi isti totis nos visceribus et metuunt et oderunt: nos canes vocant.*

<sup>7</sup> Although he remained long in the west; see note 5, cf. Leo Allatius, De Perp. Consens. p. 854.

<sup>8</sup> Thus did Barlaam (see note 3); the monk, Maximus Planudes, about 1340 (De Processione Spirit. sancti contra Latinos, ed. in Petri Arcudii Opuscula Aurea Theologica, Romae 1630 and 1671. 4. p. 614); Nilus Cabasilas, archbishop of Thessalonica about 1340 (De Causis Divisionum in Ecclesia, and De Primatu Papae, in Salmasius, De Primatu Papae. App. p. 10. De Processione Spir. s. adv. Latinos, MS. in Vienna, Basle, and Venice, cf. Allatius, Diatr. de Nilis et eorum Scriptis, p. 49 ss. Cave Hist. Lit. vol. ii., App. p. 89); the monk, Gregorius Palamas, about 1350 (lib. ii. *ἀποδεικτικοὶ* quod non ex Filio, sed ex solo Patre procedat Spiritus sanctus, published with several similar works, Lond. 1624. 4.—Opusculum adv. Latinorum Confessionem in the Catalogus Biblioth. Taurinensis, i. 282); the monk, Nilus Damyla, about 1400 (several works, De Processione Spir. s., besides, De Damaso Papa et Fide Antiquae Romae, and De Synodo duabus Photianis, only fragments of which have been made known by Leo Allatius, Lib. de Synodo Photiana, p. 179, and, De Eccl. Occid. et Orient. Perp. Cons. p. 622, 857, 858, 916, 1375-1376).—Cf. J. G. Walchii Hist. Controv. Graecorum Latinorumque Process. Spir. s. p. 97 ss.

<sup>9</sup> Thus did Demetrius Cydonius about 1357, who went over at Milan to the Latin Church (cf. Cave Hist. Lit., vol. ii., App. p. 57, 59); the Dominican, Manuel Caleca, about 1360 (cf. Jac. Quetif et Jac. Echard Scriptt. Ord. Praedicatorum, i. 719); the Dominican, Simon Constantinopolitanus (l. c. p. 558).—Cf. Walch, l. c. p. 109 ss.

<sup>1</sup> Dionys. Areopag., De Mystica Theol. c. i.: *σὺ δέ, ὡς ὅλγε Τιμόθεε, τῇ περὶ τὰ μυστικὰ θεάματα συντόνῳ διατριβῇ καὶ τὰς αἰσθήσεις ἀπόλειπε, καὶ τὰς νοερὰς ἐνεργείας, καὶ πάντα αἰσθητὰ καὶ νοητὰ, καὶ πάντα οὐκ ὄντα καὶ ὄντα, καὶ πρὸς τὴν ἐνωσιν, ὡς ἐφικτὸν, ἀγνώστως ἀνατάθῃ τοῦ ὑπὲρ πᾶσαν οὐσίαν καὶ γνώσιν· τῇ γὰρ ἐαυτοῦ καὶ πάντων ἀσχετῶ καὶ ἀπολύτῳ καθαρῶς ἐκστάσει πρὸς τὴν ὑπερούσιον τοῦ θείου σκότους ἀκτῖνα, πάντα ἀφελὼν καὶ ἐκ πάντων ἀπολυθεὶς, ἀναχθήσῃ.*

to a sensuous perception of the divine light (*ήσυχασταί, ήσυχάζοντες*). The censure which Barlaam pronounced upon them<sup>2</sup> involved him in a controversy with Gregorius Palamas, which soon came to turn upon the question, whether this divine light, namely, that which appeared at the transfiguration of Christ, was created or uncreated.<sup>3</sup> When a synod assembled at Constantinople in 1341 on this account took the monks under its protection, Bar-

<sup>2</sup> The Emperor John Cantacuzenus, who took an active part against Barlaam in these transactions, records (Hist. lib. ii. c. 89 ed. Bonn. 1, 548), that the latter, always secretly inclined to the Latins, πρόφασιν τινα ζητών, ἐξ ἧς τὸ ἡμέτερα διακωμωδήσει καὶ πρὸς πόλεμον χωρήσει φανερώς, ὡς δὴ μαθητιῶν τινη προσῆλθε τῶν ήσυχάζοντων, λόγου τε ἀπεστερημένῳ παντελῶς καὶ ὀλίγον διαφέροντι ἄλογον καὶ οὐδὲ φρονήσεως γούν μετεσχηκότη προεπούσης ἰδιώτη· καὶ ὑπεκρίνετο βούλεσθαι μαθητεῦσαι παρ' αὐτῷ, καὶ τὴν δόξαν τῆς ήσυχίας ἐκιδάσκεισθαι καὶ τοὺς νόμους τῆς ὑποταγῆς. — ὁ δὲ τὸν τε δόλον μὴ συνιδῶν, ὑπὸ τε τῆς ἁγαν κουφότητος ἐπαρθείς, ἄλλα τε εἰδίδασκε τὸν ποιηρότατον ὁ ἀνόητος, καὶ ὡς προκόπτοντες κατὰ μικρὸν οἱ ήσυχάζοντες καὶ προσευχόμενοι ἀθορύβως, ἀγαλλίασιν τέ τινα καὶ ἀβήτων ήσυχῆν καὶ θεϊαν ἐπιδέχονται ἐν τῇ ψυχῇ, καὶ φῶς δρῶσι τοῖς σωματικοῖς ὀφθαλμοῖς ἀστρίπτου περὶ αὐτούς. Ἐπὶ μὲν οὖν τοῖς ἄλλοις πολλὴν κατεγίνωσκεν ὁ Βαρλαάμ ἄνοιαν τοῦ ἀνδρὸς καὶ ἀμαθίαν· φῶς δὲ ἀκούσας ὁρῶμενον ὀφθαλμοῖς σωματικοῖς, οὐκέτι οὐδὲ ἠρεμεῖν ἠέσχετο, ἀλλὰ κοινὴν ἐποιεῖτο τῶν ήσυχάζοντων καταδρομὴν, ἀπατεῦνας καλῶν καὶ ψευδομένων καὶ Μασσαλιανούς καὶ Ὁμφαλοφύχους κ. τ. λ. Barlaam had discovered among them a method of contemplation resembling that for which, in still earlier times, an abbot, Simeon, had given the following directions (in Allatius, De Eccl. Occid. et Orient. Perp. Cons. p. 829): καθίσας ἐν μᾶ γωνίᾳ κατὰ μόνας πρόσεξαι ποιήσας ὁ λέγω σοι κλείσον τὴν θύραν, καὶ ἐπαρον τὸν νοῦν σου ἀπὸ παντὸς ματαίου ήγουν προσκαίρου· εἰτα εἰσάσας τῷ στήθει σὸν πύγωνα, κινῶν τὸν αἰσθητὸν ὀφθαλμὸν σὸν δλω νοῦ ἐν μέσῳ τῆς κοιλίας ήγουν κατὰ τὸν ὀμφαλδν, ἀγξον καὶ τὴν τῆς βίνδος τοῦ πνεύματος ὀχετὴν, τοῦ μὴ ἀδεῶς πνεῖν· εἰρήνησον ἐνδον ἐν τοῖς ἐγκάτοις εὐρεῖν τὸν τόπον τῆς καρδίας, ἐνθα ἐμφιλοχωρεῖν πεφύκασιν πᾶσαι αἱ ψυχικαὶ δυνάμεις. Καὶ πρώτον μὲν σκότος εἰρήσεις καὶ πάχος ἀνένδοτον ἐπιμένοντος δὲ σου, καὶ τούτου τοῦ ἔργου νυκτὸς καὶ ἡμέρας ποιουμένου, εἰρήσεις, ὡ τοῦ θαύματος, ἄληκτον εὐφροσύνην· ἴμα γὰρ εὐρη ὁ νοῦς τὸν τόπον τῆς καρδίας, βλέπει παρενθὺς ἢ οὐδέποτε ήπίστατο· βλέπει γὰρ τὸν μεταξὺ τῆς καρδίας ἄερα, καὶ ἐαυτὸν φωτεινὸν ὄλον καὶ διακρίσεως ἐμπλεον. (There was a similar practice among the ascetics in Siam; see Kämpfer's Gesch. v. Japan, i. 30: and in India; see Franc. Bernier Voyages, ii. 127.)

<sup>3</sup> Jo. Cantacuzenus, l. c. Among the ήσυχάζοντες in Thessalonica, Palamas and his brothers distinguished themselves. They remonstrated with Barlaam, εἰδόντο παύεσθαι τοῦ τοιαῦτα καὶ φρονεῖν καὶ λέγειν κατὰ τῶν ήσυχάζοντων, καὶ μὴ διὰ τὴν ἀπειρίαν ἐνδὸς τὰ ἴσα πάντων καταψηφίσεσθαι, καὶ, τόγε εἰς αὐτὸν ήκον, τοῦ ἀκροτάτου βίου καὶ τῆς τελεωτάτης πολιτείας (or as it is given below, τῆς ἱερῆς ήσυχίας) τοὺς ἀνθρώπους ἁποστειρεῖν. They endeavored to prove, chiefly from the transfiguration of Jesus upon Mount Tabor, that holy men might be surrounded with a divine light (or, δυνατὸν εἶναι τοῖς σωματικοῖς ὀφθαλμοῖς θεῖον καὶ ἄκτιστον φῶς θεάσασθαι): εἰ οὖν κάκεινοι (the apostles), ἀνθρώποι τε οὗτες, καὶ ἐπὶ ἀτελέστερον διακείμενοι, τὸ περιαστράψαν αὐτοὺς θεῖον καὶ ἄκτιστον φῶς ἠδυνήθησαν ἰδεῖν, τί θαυμαστὸν, εἰ καὶ νῦν τοὺς ἁγίους φαίημεν φῶς ὄραν ἐκινῶν ἐλλαμπομένους ἐκ θεοῦ: however, the uncreated light upon Mount Tabor furnished Barlaam with fresh matter for censure. He exclaimed: τῆς ἀτοπίας! καπνὸν γὰρ φεῖγοντες ἐμπεπτώκαμεν εἰς πῦρ· ἀκούε σφρανὲ καὶ ἐνωτίσου ἡ γῆ· τὸ ἐν Θαβὼρ φῶς ἄκτιστον καὶ τί ἄλλο ἢ θεὸς καθ' ἡμᾶς! οὐδὲν γὰρ ἄκτιστον εἶμι μὴ θεός· εἰ οὖν μήτε κτίσμα τὸ φῶς ἐκεῖνο, μήτε θεοῦ οὐσία (θεὸν γὰρ οὐθεὶς ἐώρακε πώποτε), τί λοιπὸν ἡ στωὶ λατρεύειν θεοῖς, ἐνὶ μὲν, τῷ πάντων δημιουργῷ, ὃν καὶ ὀρατον πᾶς τις ἂν ὀμολογήσειε, δευτέρῳ δὲ, τῷ καθ' ἡμᾶς ὀρωμένῳ ἄκτίστῳ τούτῳ φωτὶ;

laam withdrew to Italy, and went over to the Roman Church.<sup>4</sup> But his disciple, Gregorius Akindynos, continued the dispute. Several synods were assembled at Constantinople on this question (1341, 1347, 1350), all decided against the opinion of the apostate Barlaam.<sup>5</sup> So also did Nicolas Cabasilas, the most distinguished mystic author of this period, after 1350 Archbishop of Thessalonica.<sup>6</sup>

<sup>4</sup> Cantacuzenus, lib. ii. c. 40; Nicephorus Gregoras, lib. xi. c. 10 (ed. Bonn. i. 557).

<sup>5</sup> Compare the detailed narratives of Cantacuzenus and Nicephorus Gregoras, who both took an active part in the controversy, the former for, the latter against, Palamas. The decision of the synod of 1350, in Mansi xxvi. 127 ss., answers the following questions proposed to it by the Emperor, John Cantacuzenus, only by stringing together expressions of the Fathers of the Church, p. 150: *πρῶτον, εἰ ἐστὶν ἐπὶ θεοῦ θεοπρεπῆς διάκρισις οὐσίας καὶ ἐνεργείας* (viz., p. 174, *τῆς θείας φυσικῆς ἐνεργείας*, p. 187, *ἥτις φύσει καὶ ὑπερφύως πρόσεστιν ἐκάστη τῶν θεαρχικῶν ὑποστάσεων*); answered in the affirmative: *ἐπεὶτα διακρίσεως ἀναφανείσης, πότερον ἡ ἐνέργεια αὐτῆ κτιστὴ ἐστὶν, ἢ ἀκτιστος; Answer, ἀκτιστος. Then: εἶγε ἀκτιστος ἀποδειχθεῖα ἡ θεοπρεπῆς αὐτῆ ἐνέργεια, πῶς ἂν τις ἐκφύγοι τὸ μὴ παρὰ τοῦτο σύνθετον τὸν θεὸν εἶναι νομίζειν; on this question nothing is given but passages from the Fathers: *τέταρτον δὲ, εἶγε ἡ φωνὴ τῆς θεότητος οὐκ ἐπὶ τῆς οὐσίας μόνον, ἀλλὰ καὶ τῆς θείας ἐνεργείας παρὰ τῶν θεολόγων βρωηται; affirmed: πέμπτον δὲ, εἶπερ οἱ θεολόγοι κατὰ τι τὴν οὐσίαν τῆς ἐνεργείας ὑπερκεῖσθαι φασίν; answered in the affirmative. Lastly, τίνας μετέχουσι τὰ πάντα, τῆς θείας οὐσίας ἢ τῆς τοῦ θεοῦ θείας ἐνεργείας; answer, πᾶν δημιουργήμα τῆς ἐνεργείας τοῦ δημιουργήσαντος, ἀλλ' οὐχὶ τῆς οὐσίας μεταλαγχάνει.—καὶ οἱ ἅγιοι, τῇ πρὸς θεὸν ἐνώσει θεοποιούμενοι, οὐ τῆς θείας οὐσίας, ἀλλὰ τῆς αὐτοῦ θείας ἐνεργείας μετέχουσι. And so it follows, accordingly, *ὅτι τι ἀκτιστὸν ἐστὶ τὸ φῶς τῆς τοῦ κυρίου μεταμορφώσεως, καὶ ὅτι οὐκ ἐστὶ τοῦτο ἡ οὐσία τοῦ θεοῦ.* The view of Barlaam and his adherents, on the other hand, is stated thus in the *Synopsis* of the contemporary, Nilus Metrop. Rhodii (Mansi xxv. p. 1148): *ἐδογμάτισαν, νῦν μὲν οὐδεμίαν διάκρισιν εἶναι ἐπὶ τῆς θείας φύσεως οὐσίας, καὶ ἐνεργείας, ἀλλὰ ταῦτόν εἶναι καὶ ἀδιώφορον· νῦν δὲ διάκρισιν μὲν εἶναι ἔλεγχον πλὴν τὴν μὲν οὐσίαν ἀκτιστον, τὰς δὲ αὐτῆς οὐσιώδεις ἐνεργείας, καὶ φυσικὰς συγχωροῦντες ἑτέρας εἶναι, πλὴν οὐκ ἀκτιστους, ἀλλὰ κτιστὰς, καὶ ἐπὶ τὸ ἐν τῷ Θαβωρίῳ ἐκλάμψαν θεῖον ἐκεῖνο φῶς, φάσμα ἀπλῶς καὶ κτίσμα, γινόμενον καὶ ἀπογινόμενον, ἀλλὰ ὅτε θείας φύσεως φυσικὴν, ἀγλήν, καὶ θεότητα, καὶ φῶς ἀπρόσιτον καὶ ὄν καὶ λεγόμενον. A short sketch of the speeches and replies which passed between Barlaam and Palamas is given by a certain David, published by Engelhardt in Ilgen's Zeitschr. viii. 1, 74.***

<sup>6</sup> With regard to his work, *περὶ τῆς ἐν Χριστῷ ζωῆς*, there is a review of it and some fragments, by A. Jahn, in the *Theolog. Studien u. Krit.* 1848. iii. 721. There is a complete edition: *Die Mystik des Nicolaus Cabasilas vom Leben in Christo, erste Ausgabe u. einleitende Darstellung von Dr. W. Gass, Greifswald. 1849.*

## SECOND APPENDIX.

## HISTORY OF THE REMAINING ORIENTAL CHURCHES.

## § 130.

The kings of Armenia continually desiring the help of the Western World against the Mohammedans, sought on this very account to maintain inviolate the union of the Armenian with the Roman Church.<sup>1</sup> However, this remained, like the efforts for union on the part of the Greek Emperors, a merely political measure, for which the court alone felt any desire. Notwithstanding all the efforts of the popes, the people would not suffer themselves to be deprived of their ancient and characteristic opinions.<sup>2</sup> As

<sup>1</sup> The embassies of the Armenian kings to the popes and Western princes, to raise crusades for their support (see Raynald. ann. 1317, no. 35; 1331, no. 80), readily promised the renunciation of all departures from Roman faith and customs in their country (Raynald. 1318, no. 8 ss.): Armenia inferior also united itself with the Roman Church. (Rayn. 1323, no. 7.) Nevertheless, the summons of the popes for a crusade remained without effect, owing to the internal discord of the Western World (Rayn. 1322, no. 80, etc.), and only furnished the kings of France with a pretext for drawing tithes from the Church (see above, § 99, note 87). The Armenians only received aid in money from the popes, Rayn. 1323, no. 4; 1336, no. 41.

<sup>2</sup> John XXII. sent some Dominicans to the Armenians, who were to preach to the people, and open Latin schools (Raynald. 1318, no. 15); but the Latin monks were quickly driven away again by the Armenians (see the work of an anonymous Dominican, of the year 1330, in Quetif et Echard Script. Ord. Prædic. i. 578). In the year 1341, Benedict XII. complains to the King and the *Catholicos* of Armenia (Raynald. ad h. a. no. 45), that he had heard from incontrovertible witnesses, quod tam in majori quam in minori Armenia nonnulli execrandi errores tenentur a multis et dogmatizantur, and requires that these should be condemned by an Armenian synod. The list of them in 117 articles, in l. c. no. 49 ss. E. g. I. and II.; the early Armenian teachers had rightly taught—quod Spir. s. procedit a filio sicut et a Patre (*hoc fuerat determinatum in conciliis Constantinopolitano et Ephesino*); but, 612 years before, a general Armenian council, according to Art. 85—concilium Manesguerdense, quod congregatum fuit ibi de mandato cujusdam Sarraceni, nepotis Machometi (the council assembled at Manaschierti, by command of the Saracen Caliph Omar; see Galani Hist. Armen. c. 17)—had commanded them to maintain only the procession from the Father; most of the Armenians still followed this decree. III. Item quod in dicto concilio reprobaverunt concilium Chalcedonense,—et determinaverunt, quod sicut in Domino Jesu Christo erat unica persona, ita erat una natura scil. divina, et una voluntas et una operatio.—In dicto etiam concilio Dioscorum condemnatum per dictum concilium Chalcedonense canonizaverunt,—et adhuc ter in anno faciunt festum de eo sicut de Sancto,—et maledicunt b. Leonem et concilium Chalcedonense. IV. Item quod Armeni dicunt et tenent, quod peccatum primorum parentum personale ipsorum tam grave fuit, quod omnes eorum filii ex semine eorum propagati usque ad Christi passionem merito dicti peccati personalis ipsorum damnati fuerunt,—non propter hoc quod ipse ex Adam aliquod peccatum originale contraxerint, cum dicant, pueros nullum omnino habere originale peccatum nec ante Christi pas-

sionem nec post:—sed post Domini passionem, in qua peccatum primorum parentum deletum fuit, pueri qui nascuntur ex filiis Adam non sunt damnationi addicti. VIII. The Armenians taught, that the saints—non videbunt Dei essentiam, quia nulla creatura eam videre potest; sed videbunt claritatem Dei, quae ab ejus essentia manat. XVII. Item quod Armeni communiter tenent, quod in alio saeculo non est purgatorium animarum, quia, ut dicunt, si Christianus confiteatur peccata sua, omnia peccata ejus et poenae peccatorum ei dimittuntur. Nec etiam ipsi orant pro defunctis, ut eis in alio saeculo peccata dimittantur; sed generaliter orant pro omnibus mortuis sicut pro b. Maria, Apostolis, Martyribus, et aliis Sanctis, ut in die judicii intrent in regnum caeleste (see vol. i. Part 2, § 99, note 17). XXXII. The Armenians said: Sunt jam trecenti anni, quod omnes daemones sunt disligati, et seduxerunt homines a fide Christi per totum mundum exceptis Armenis: sed a triginta annis citra illos homines de minori Armenia, et a viginti quinque annis citra Armenos de majori Armenia seduxerunt a fide Christi, quia, ut dicunt, ex tunc Armeni posuerunt in sacrificio aquam in vino, et fecerunt festum natiuitatis Domini vigesima quinta die Decembris, et sic a daemonibus seducti fidem Christi dimiserunt. XXXIV. Dicunt etiam quod *Rex et nobiles minoris Armeniae, quia tenent supradictos articulos cum Ecclesia Romana et Graeca, non sunt de Ecclesia catholica et apostolica.* XXXVIII. Item quod Armeni credunt et tenent, quod in aliis Ecclesiis—non datur peccatorum remissio, quia aliae Ecclesiae negaverunt veram fidem, recipiendo concilium Chalcedonense, nec etiam habent verum baptismum. XLVI. Item quod dicti Armeni observant discretionem ciborum mundorum et immundorum animalium secundum quod lex Moysi dicit: et licet aliqui ex Armenis comedant porcum, tamen secundum eos, si sacerdos comederet de porco, postea non posset expellere daemones de obsessis corporibus, quia, ut dicunt, Dominus expellens daemones de duobus hominibus misit eos in porcos. LVI. Those who were baptized into the Armenian Church, if they went over to the Saracens or Jews, and afterward returned, were not baptized again: si tamen aliquis fuisset baptizatus in Ecclesia alicujus Catholicon Armenorum, et postea converteretur ad fidem Romanae Ecclesiae vel Graecae, si postea vellet venire ad Ecclesiam primam,—illa Ecclesia sic baptizaret eum, ac si nunquam fuisset baptizatus. Likewise—Ecclesia Armena baptizat baptizatos in Ecclesia latina vel graeca, quando veniunt ad eam. LVIII. Item quod Armeni dicunt et tenent, quod ad hoc, quod sit baptismus verus, ista tria requiruntur, scil. aqua, chrisma et Eucharistia. LIX. Many Armenians baptized with wine, others with milk, most with water; all with arbitrary formulas. LXV. Item Armeni dicunt et tenent, quod illa inunctio cum chrismate facta in novem locis (in baptism) valet Christianis, dum vivunt, pro omnibus inunctionibus, quae fiunt per Ecclesiam latinam: unde apud eos non est sacramentum confirmationis, nec extremae unctionis: nec quando consecrantur Presbyteri vel Episcopi, inunguntur eorum manus vel capita. LXXIV. Item quod apud Armenos majoris Armeniae non sit imago Crucifixi, nec aline imagines tenentur Sanctorum. LXXVII. The Catholics of lesser Armenia had had many persons ill-treated, who had been baptized in *forma Ecclesiae latinae*, and, LXXVIII., charged his bishops, quod non celebrarent Missam latinam, sed Armenorum Missam antiquam, quod non servarent jejunia Ecclesiae Romanae, sed antiqua jejunia Armenorum, etc. Ed ad testimonium et confirmationem horum dictorum est hoc, quod—supradictus Catholicos consecravit sex Episcopos Armenos, et accepit ab eis literam publicam, quod ipsi non darent pueros de partibus suis ad addiscendum literam latinam, nec admitterent aliquem praedicatorum latinum, qui praedicaret veritatem s. Romanae Ecclesiae, etc. LXXXII. Item quod quando aliqui communicare debent, per sacerdotem fit confessio generalis,—et postea populus reiterat dictam confessionem: in secreto tamen raro vel nunquam aliquis Armenus confitetur sacerdoti sua peccata:—dicunt et tenent, quod dicta generalis confessio sufficit ad remissionem peccatorum. LXXXIV. Item Armeni dicunt et tenent, quod Catholicos, Episcopi et Presbyteri Armenorum eandem et aequalem potestatem habent ligandi et solvendi, quantum et qualem habuit Petrus Apostolus, cui a Domino dictum est: *Quodcumque ligaveris, etc.*, nec quoad hoc minorem potestatem habent Presbyteri Armenorum quam eorum Catholicos et Episcopi. LXXXV. Item Armeni dicunt et tenent, quod usque ad concilium Nicaenum Romanus Pontifex non habuit potestatem majorem, quam alii Patriarchae: sed

the support of the Western powers continued to be very insignificant, in 1367 Armenia fell beneath the sword of the Mam-

nunc de voluntate dicti concilii fuit ordinatum, quod dictus Romanus Pontifex haberet potestatem super alios Patriarchas. Quam potestatem habuerunt Romani Pontifices usque ad concilium Chalcedonense: sed quia in dicto concilio, ad instantiam b. Leonis Papae congregato, fuit determinatum, quod in Christo erant duae naturae et una persona, Romani Pontifices perdiderunt dictam potestatem, et omnes illi, qui dicto concilio consenserunt. XC. Item Armeni dicunt et tenent, quod potestas illa, quam Christus dedit b. Petro, dicendo ei: *Quodcumque ligaveris*, etc., sit solum data personae Petri et pro ipso solo, ita quod haec potestas non transiit ad aliquem ejus successorem. CX. Item quod apud Armenos sunt multi errores a praedictis, qui errores continentur in infrascriptis libris Armenorum, quorum primus intitulatur *Tenophacer*, i. e. contra festivitates, quas celebrant Ecclesiae Romana et Graeca. Secundus liber vocatur *Anadoarmat*, i. e. radix fidei.—Decimus liber vocatur *liber canonum Apostolorum*, in quo continentur omnes errores Armenorum, etc. CXVI. Item quod cum Rex Armenorum vocatus Ethom, ut Armeni unirentur Ecclesiae Romanae, congregasset omnes Episcopos Armeniae, et magistros, et Catholicos, ut disputarent cum legato misso eis per Romanam Ecclesiam, et facta dicta disputatione cognovisset dictus Rex, quod veritatem tenebat s. Romana Ecclesia, et quod Armeni errantes erant a veritate; ex tunc Reges Armeniae minoris tenuerunt fidem s. Romanae Ecclesiae: sed Episcopi, magistri, et Principes Armenorum non fuerunt de hoc contenti. Et post recessum dicti legati quidam magister vocatus *Wartan de Nigromonte* composuit unum librum *de Risma*, i. e. versus pedem, contra Papam et suum legatum, et contra Ecclesiam Romanam, in quo vocavit Papam Romanum superbum Pharaonem cum suis subditis in mare haeresis submersum, et legatum ejus, ambaxatorem Pharaonis, fuisse reversum cum maxima verecundia: et dixit, quod Ecclesia Romana erat multum decepta, quia nativitatem et aquam a maledicto Artomono recepit, et multas alias blasphemias scripsit in dicto libro, qui magnus est. Et multi ministri Armenorum, et Episcopi, ac Presbyteri dictum librum honorant tanquam canones Apostolorum. (So *Wartan the Great*, † 1271, one of the most highly-prized writers of the Armenians, is no doubt the author of those works written against the Church of Rome, which the Mechitarists consider forged; see *Neumann's Gesch. d. armen. Literatur*, s. 188.) In order to satisfy the Pope the Armenians held a synod on the question (*Raynald*. 1841, no. 118): still *Clement VI.* found it necessary to send to the Armenian bishops two legates, *Antonius* Episc. *Gajetanus* and *Joannes* electus *Coronensis* (*Raynald*. 1346, no. 67 ss.), ut per eos de ipsa fide ejusque salutari doctrina informemini plenius et imbuamini viva voce, quam possetis scriptura instrui vel literis informari, and they brought word back (*Raynald*. 1350, no. 87), quod dicti Rex, Catholicos et populus adhuc in multis a veritate catholicae fidei aberrabant; so that the Pope, on occasion of a fresh request for aid from the Armenians, resolved only to refer the matter to the Archbishop of *Nicosia* (l. c.), quatenus eidem Regi populoque, cum ipse ac dicti Catholicos et populus aliquas recognitiones super aliquibus, quibus ab ejusdem fidei discrepant veritate, fecerint juxta formam, quam tibi—transmitteremus,—sex millia florenorum auri de pecuniis camerae nostrae tradi et assignari facere non omittas. By means of those ambassadors the Pope had also laid before the Catholicos of Armenia—quaedam capitula pro pleniori eruditione, and received responses; but he represented to him, in a new brief (*Raynald*. 1351, no. 2 ss.): non potuimus nec possumus ex responsionibus hujusmodi quoad plura elicere, quid tu et eadem Ecclesia minoris Armeniae sincere et pure credatis:—ex quarum (responsionum) aliquibus conditionata, ex quibusdam vero diminita vel imperfecta, et ex nonnullis, forsitan scriptoris vel interpretis vitio, minus vera confessio manifeste colligitur. Accordingly he examines these responses throughout, and appends to each new questions, to draw forth the interpretation and correction of them. Then: Post praedicta omnia mirari cogimur vehementer, quod—subtrahis de *LIII.* primis capitulis capitula *XVI.* Primum, quod Spiritus sanctus procedit a Patre et Filio. Tertium, quod parvuli ex primis parentibus contrahunt originale peccatum. Sextum,

elukes, who immediately began a cruel persecution of Christianity.<sup>3</sup>

The Coptic Christians also, in Egypt, during the fourteenth century, suffered under the dominion of the Mamelukes several severe persecutions, during which many of them went over to the Islam faith.<sup>4</sup>

The invitations of Pope John XXII. to the Ethiopians<sup>5</sup> and Jacobites<sup>6</sup> to submit themselves to the Roman Church remained without result.

quod animae ex toto purgatae separatae a suis corporibus manifeste Deum vident. Num, quod animae decedentium in mortali peccato in infernum descendant. Duodecimum, quod baptismus debeat originale et actuale peccatum. XIII. quod Christus non destruxit, descendendo ad inferos, inferiorem infernum. XV. quod angeli a Deo fuerint creati boni. XXX. quod effusio sanguinis animalium nullam operatur remissionem peccatorum. XXXII. quod non judicent comestores piscium et olei in diebus jejuniorum. XXXIX. quod in Ecclesia catholica baptizati, si efficiantur infideles, et postmodum convertantur, non sunt iterum baptizandi. XL. quod parvuli ante octavum diem possunt baptizari, et quod baptismus non potest esse in liquore alio, quam in vera aqua. XLII. quod corpus Christi post verba consecrationis sit idem numero, quod corpus natum de virgine et immolatum in cruce. XLV. quod nullus, etiam Sanctus, corpus Christi potest conficere, nisi sit sacerdos. XLVI. quod est de necessitate salutis, confiteri proprio sacerdoti, vel de licentia ejus [alii] omnia peccata mortalia perfecte et distincte.—Ideo volumus clare et sine velamine a te scire, si praedicta XVI. capitula diminuiti de LIII. pro eo, quod non credis esse vera neque catholica, vel ex qua causa ipsa capitula diminuiti. Item in scriptis rogasti Archiepiscopum et Episcopum antefatos (the papal legates), ut esset inter eos et te verborum finis:—scias, quod non possemus nos—finem imponere,—nisi prius pure, clare, perfecte et integre tu et Armeni—fidem illam recepissetis, quam ipsa Romana tenet et docet Ecclesia.—Caeterum quia fidedignorum plurium, et quorundam etiam Armenorum relatio frequenter nostris auribus instillavit, quod tu et antecessores tui—ea, quae circa ipsius fidei nostrae cultum—Romanis Pontificibus—descripistis et promissistis,—in nullo penitus observatis,—ac fidem ipsius Ecclesiae Romanae, extra quam nulli est gratia, nulli salus, habulistis damnabiliter in derisum: ideo fraternitatem tuam monemus,—quatenus responsiones per te ad interrogationes nostras faciendas, et omnia, quae tu et iidem obedientes tibi Armeni circa ipsius fidei nostrae negotium promittetis et dicetis, vos credere ac tenere,—tactis sacrosanctis evangelii, juramentis solemnibus roboratis: et nihilominus sub juramentis similibus promittatis, quod nobis et successoribus nostris Romanis Pontificibus—parebitis cum effectu, ut ora de te et Armenis eisdem sic graviter—obloquentium obstruas:—sciturus pro certo, quod praeter salutis aeternae praemia, et famae titulos, quae provide consequeris, dabit tibi Deus, ille omnium opulentissimus retributor, unde in praesenti quoque saeculo gratiis et beneficiis affluas.

[Upon the Armenian history, compare also the work of Count Lazareff of St. Petersburg, on its History, Dogmas, Liturgy, Sacraments, and Hierarchy. Paris, 1855. Du-laurier, Bibliothèque Hist. Arménienne, t. i. Paris. K. N. Pischon, Die Entwicklung d. Armen. Kirche vom Evangelio zum Evangelio, in the Deutsche Zeitschrift, 1854. 5.]

<sup>3</sup> Cf. Clementis VII. Epist. ad Archiep. Taraconensem, in Raynald. 1362. no. 49.

<sup>4</sup> Makrizi's (in Cairo † 1441) History of the Copts, translated by F. Wüstenfeld, in the Abhandlungen d. kgl. Gesellschaft d. Wissenschaften zu Göttingen, Bd. 3 (1847), historisch-philol. Classe, s. 71. Compare Benaudot, Hist. Patriarcharum Alexandrinorum Jacobitarum. Paris 1713. 4. p. 602. ss.

<sup>5</sup> Raynald. 1329, no. 98.

<sup>6</sup> Raynald. 1330, no. 57.

## FIFTH DIVISION.

FROM THE COUNCIL OF PISA TO THE REFORMATION. 1409-1517.

## MOST IMPORTANT HISTORIANS.

Antoninus, a Dominican, from 1446 Archbishop of Florence, † 1459, canonized 1528 (*Summa Historialis*, in three Parts, to 1459, published Venet. 1481. Norimb. 1484, and elsewhere, last in *Opp. Omnia*, Florent. 1741. t. i. fol.).—Joannes Trithemius or von Tritenheim, from 1488 Abbot of Spanheim, from 1506 Abbot of St. James in the suburb of Würzburg, † 1516 (*Chronicon Monast. S. Martini Spanheimiense*, in *Opp. Trithemii historia*, ed. Marq. Freherus. t. ii. Francof. 1601. *Chron. Monast. S. Jacobi Majoris*, in J. P. Ludewig, *Scriptt. Rerum Herbipolitanarum*, Halae, 1713. By far the most important are the *Annales Hirsaugienses*, ed. in *Monast. St. Galli*, 1690. tomi ii. fol.). Albert Kranz, teacher of theology and canon law at Rostock, afterward Canon, and at length Dean of the Cathedral Chapter at Hamburg, † 1517. (*Metropolis, a Church History of Northern Germany until 1504*, cum. praef. Dav. Chytraei, Vitebergae 1576. Francof. ad M. 1576. 1590.—Kranzens *Saxonia, Vandalia, and Chronicon Regnorum Aquilonarium* relate to political history.)

## FIRST CHAPTER.

## HISTORY OF THE PAPACY.

Bartholomaeus Platina (properly Barth. de Sacchi, from Pladina in the district of Cremona, under Pius II. Papal *Abbreviator*, persecuted under Paul II., under Sixtus IV. librarian of the Vatican, † 1481), *Vitae Pontificum Romanorum*, ed. Venet. 1479, fol. published afterward very often, but not always without alterations. The editions which appeared in 12mo. in Holland, without the name of the place, A.D. 1640, 1645, and 1664, are accurate reprints of the *Edit. Princeps*, and accordingly much prized. Compare Dan. Guil. Moller *Disp. de B. Platina*. Altorf, 1694. 4.

## § 130.

COUNCIL OF PISA (25TH MARCH-7TH AUGUST, 1409). ALEXANDER V. (26TH JUNE, 1409-3D MAY, 1410). JOHN XXIII. (17TH MAY, 1410-DEPOSED 29TH MAY, 1415).

Theodoricus a Niem (see vol. iii. above, § 102) *De Schismate*, lib. iii. c. 88 ss. *Ejusdem Vita Johannis XXIII.*, in *Meibomii Rerum Germ. t. i. p. 5 ss.* and in v. d. Hardt, *Conc. Constant. t. ii. p. 386 ss.*

Leonardi Aretini (private secretary to Innocent VII., Gregory XII., Alexander V., and John XXIII., afterward Chancellor at Florence, † 1444) *Rerum suo Tempore in Italia Gestarum Commentarius*, ab anno 1378, usque ad ann. 1440 (in *Muratorii Rerum Italicarum Scriptores*, t. xix. p. 909 ss.).

Acts of the Council, in *Mansi xxvii. p. 1 ss.*, in d'Achery *Spicileg. i. p. 823*, and in v. d. Hardt, *Conc. Constantiense, t. ii. P. ii. p. 62 ss.*

*Histoire du Concile de Pise, et de ce qui s'est passé de plus mémorable depuis ce Concile jusqu'au Concile de Constance*, par Jacques Lenfant. t. ii. à Amsterdam.



1724. 4. [J. H. v. Wessenberg, Die grossen Kirchen-Versammlungen d. xv. u. xvi. Jahr. Const. 4. 8. 1840.]

The Council of Pisa, among the members of which Peter de Alliaco, bishop of Cambrai,<sup>1</sup> and John Gerson, chancellor of the University of Paris,<sup>2</sup> are pre-eminent as the chiefs of the reforming party, opened its sessions on the 25th March, 1409. Notwithstanding the efforts which the Emperor Rupert caused to be made in favor of the Roman Pope, Gregory XII.,<sup>3</sup> it proceeded as early as the 5th of June to the deposition of both popes;<sup>4</sup> and then, after the proposed reformation seemed to be secured by the solemn engagement of all the cardinals,<sup>5</sup> it caused Alexander V.

<sup>1</sup> Compare § 106, note 1; § 119, note 9. He was the teacher of Gerson and Nicholas of Clamengis, 1389 Chancellor of the University of Paris, 1396 Bishop of Cambrai, 1411 Cardinal (Cardinalis Cameracensis), † 1425. On his life see v. d. Hardt, Conc. Const. t. i. P. viii. p. 450 ss.

<sup>2</sup> Compare § 107, note 8 and 9, Chancellor of the University of Paris from 1395, † 1429. Opp. ed. L. E. Du Pin. Antverp. 1706; tomi iv. fol. The second volume contains Gerson's principal works upon the ecclesiastical affairs of the period, together with similar works by other contemporaries. On his life and works see v. d. Hardt, l. c. t. i. P. iv. p. 26 ss. and the *Gersoniana* prefixed to Dupin's edition.

<sup>3</sup> Theod. a Niem, iii. c. 39. The speech of the Emperor's ambassador, Ulrichus Ep. Verdensis, is in Raynaldus ad ann. 1409. no. 13 ss. The answer which Petrus de Ancharano gave in the name of the council, is in Mansi xxvii. p. 367 ss.

<sup>4</sup> In session X., on May 21, the Articuli contra Petrum de Luna, Benedictum XIII., et Angelum Corario, Gregorium XII. nuncupatos, de papatu perperam contententes (in Raynald. ann. 1409, no. 47 ss. d'Achery Spicileg. t. i. p. 833 ss.), giving a detailed representation of the previous conduct of both popes, and of the cardinals, were presented. In session XV., the 5th of June, there followed the Sententia definitiva et privativa contra praedictos contententes (Theodor. a Niem, iii. c. 44; Raynald. a. l. no. 71, d'Achery, i. p. 847 ss.): Christi nomine invocato sancta et universalis Synodus universalem Ecclesiam repraesentans, et ad quam cognitio et decisio hujus causae noscitur pertinere,—pronunciat, decernit, definit et declarat.—Angelum Corario et Petrum de Luna de papatu contententes, et eorum utrumque fuisse et esse notorios schismaticos, et antiqui schismatis nutritores, defensores, fautores, approbatores, et manutentores pertinaces, necnon notorios haereticos, et a fide devios, notoriisque criminibus enormibus perjurii et violationis voti irretitos, universalem Ecclesiam sanctam Dei notorie scandalizantes cum incorrigibilitate, contumacia, et pertinacia notoriis, evidentiis et manifestis; et ex his et aliis se reddidisse omni honore et dignitate, etiam papali, indignos; ipsosque et eorum utrumque propter praemissas iniquitates, crimina et excessus ne regnent, vel imperent, aut praesint, a Deo et sacris canonibus fore ipso facto abjectos et privatos, ac etiam ab Ecclesia praecisos; et nihilominus ipsos Petrum et Angelum, et eorum utrumque, per hanc sententiam definitivam in his scriptis privat, abjicit et praecidit, inhibendo eisdem, ne eorum aliquis pro summo Pontifice gerere se praesumat, etc.

<sup>5</sup> In session XVI., June 10, the cardinals had to make oath (Raynald. l. l. d'Achery, i. p. 848), quod, si quis nostrum in summum Romanum Pontificem eligeretur, praesens concilium continuabit nec dissolvat, neque dissolvi permittet, quantum in eo erit, usquequo per ipsum cum consilio ejusdem concilii sit facta debita, rationalis, et sufficiens reformatio universalis Ecclesiae, et status ejus tam in capite quam in membris. If the election were to fall without the college of cardinals, the Pope elect was to take the same oath before the publication of his election.

to be elected Pope on the 26th of June. Now the reformation was to follow;<sup>6</sup> but the synod was soon obliged to acknowledge that there was no possibility of reform in union with a Pope. In fact, it required more than ordinary insight, morality, and power in a Pope to close his ears to the suggestions of a curia that seemed entirely devoted to his cause, and himself to help to overthrow all the splendor which his predecessors for centuries appeared to have built up for him, without even being sure of the perpetuity of his work, and the honor of his name in time to come. Alexander's earliest policy displayed the ordinary characteristics of a Pope after the old fashion.<sup>7</sup> He sought to silence, and not to sat-

<sup>6</sup> The necessity of a reformation and the matters to be reformed were forcibly brought before his mind previously to his coronation, by Gerson, in the *Sermo factus coram Alex. P.* (Opp. ed. du Pin, ii. p. 181.)

<sup>7</sup> Gerson, *De Modo Reformandi Ecclesiam* in Conc. Univ., written 1410, cap. 10 (in v. d. Hardt, Conc. Const. t. i. P. v. p. 90): Et ut sic fieret (viz., ut limitaretur potestas usurpata papalis) fuit omnino inclinatus dictus Dominus Alexander V. ante ejus Papatum, dum ageretur, ut dictum concilium celebraretur in Pisis. Qui etiam hoc dicebat, et etiam super limitatione subsequenda multis argumentis theologis, philosophis, iuridicis insudabat. Qui creatus in Papam in lucem educere non curabat. Petrus de Alliaco *De Difficultate Reformationis* in Conc. universali ad Jo. Gersonem, written 1410, cap. 8 (in v. d. Hardt, Conc. Const. t. i. P. vi. p. 262): Alexander prorsus inexpertus erat eorum, quae officii pastoralis honor et sublimitas exigebat, quamvis esset magnus Theologus. Et quicquid dicti Cardinales ab eo petierunt, ipsis absque contradictione concessit, nec audebat ipsis aliquid denegare. Unde ipsi continuo eum importune crebris petitionibus vexarunt, ita ut aliquando propterea in se ipso nimium turbaretur. Nec poterant satiari. Theodoricus a Niem, iii. c. 51: Fuit autem dictus dominus Petrus (Alexander prius nominatus Petrus de Candia), cum eligebatur in Papam, septuagenarius, vel circa.—Hic quicquid ordinavit et fieri voluit per ipsum dictus dominus Joannes Papa, tunc Diaconus Cardinalis (Balthasar Cossa), in omnibus et per omnia fecit, ab ejus precibus, consiliis aut mandatis—nullatenus recedendo, et in ejus Papatu nihil penitus reformavit, et omnibus studuit complacere, et vix alicui ab eo quicquam petenti a majori usque ad minimum sine personarum discretionem scivit denegare. Unde subito postquam in Papam assumptus fuit, adeo deformavit notabiliora officia suae Curiae ad importunam instantiam multorum petentium, excedendo illorum numerum antiquum nulla necessitate aut utilitate urgente, quod in longo tempore in statum debitum vix potuerunt reformari, et tam prodignus fuit in concedendis gratiis beneficialibus, quod nullam novit differentiam inter personas, quibus illa fecit, et quales facere deberet, nec modum nec ordinem debitum et consuetos in talibus observando: fuit enim in illis practicalibus et agibilibus penitus inexpertus.—Aliquos etiam fratres Minores (brethren of his order) sibi caros et sociales publicis officiis et lucrativis, quae prius consueverunt regi per saeculares personas habiles et expertas, in eadem sua Curia praefert, et miro modo conabatur plerosque fratres minores cathedralibus Ecclesiis vacantibus praeficere in pastores: in his praecipue, et etiam in multis aliis Papale officium, cujus gravitatem non novit, in brevi tempore denigrando.—Cap. 52:—statim postquam creatus fuit, et ante ipsius coronationem multos creavit Archiepiscopos, Episcopos et Abbates, et omnibus illis familiaribus dominorum Cardinalium, qui eum elegerunt in Papam, qui dictis Dominis Cardinalibus in conclavi ministrarunt, adeo abusivas et exorbitantes beneficialis gratias, etiam cum dispensationibus ad plura incompatibilia beneficia, qui eas petierunt, absque personarum delectu fecit, sicuti a saeculo nunquam prius audita fuerunt, ita quod caeteri saltem intelligentes Curiales de indiscreta provisione stupefacti murmu-

isfy. Accordingly, he conceded some insignificant points, promised to set on foot the real reformation in a new synod, and then as soon as possible (on the 7th of August) dissolved the troublesome assembly.<sup>8</sup>

Thus the result of the synod of Pisa, which was opened with such great hopes (see § 107), failed to satisfy the demands even of the strictest justice.<sup>9</sup> Instead of two popes, there now were

rabant. Videbatur enim praedictus Alexander pro nihilo habere titulos ecclesiasticos, quos tam improvide dividebat, etc.

<sup>8</sup> In session XX., on July 27, the Pope declared (d'Achery, i. p. 852): *Sacro approbante Concilio decernimus, iterum generale Concilium Ecclesiae fore convocandum, hinc ad triennium, videlicet anno quo dicitur Dom. MCCCCXII. in mense Aprilis, in civitate seu loco habili et decenti.* Session XXIII. August 7th (l. c.): *Sanctissimus Dominus noster sacro approbante Concilio ordinavit, quod bona immobilia Ecclesiae Romanae seu aliarum Ecclesiarum nullatenus—alienentur seu hypothecentur usque ad proxime indictum Concilium, in quo super hoc articulo maturius poterit deliberari.* Item—*Dominus noster eodem approbante Concilio ordinat et mandat celebrari Concilia provincialia per Metropolitanos, et Synodos per eorum suffraganeos, secundum formam juris et Concilii generalis; quia ex eorum omissione multa sequuntur inconvenientia.* Item—*celebrari capitula Monachorum nigrorum et Canonicorum regularium.*—Item *Dominus noster, misericordia motus, liberaliter remittit, prout alias fecit, omnia arreragia (arrears, from arrérages) majora, et minuta servitia suae Camerae Apostolicae de toto tempore antiquo debita, sibi dumtaxat competentia: etiam si qui propter defectum solutionis hujusmodi arreragiorum sententiam excommunicationis incurrerint, eos auctoritate Apostolica absolvit.*—Item—*disponit, non facere translationes de invitis.*—Item—*concedit omnibus, qui in hoc sacro Concilio interfuerunt, et ejus determinationi adhaerent, absolutionem plenariam a culpa et poena semel tantum.*—Item *Dominus noster sanctissimus cum consilio Concilii intendit reformare Ecclesiam in capite et in membris. Et quia jam multa per Dei gratiam sunt expedita, quae ipsum Dominum nostrum, et favorem Praelatorum, aliorumque inferiorum concernunt, restantque alia, quae propter recessum Praelatorum et Ambassiatorum de praesenti expediri non possunt: propterea Dominus noster sacro requirente et approbante Concilio dictam reformationem suspendit, et continuat (i. e., differt) usque ad proxime indictum Concilium, etc.*

<sup>9</sup> Gerson wrote in 1410, *De Modo Reformandi Eccles. in Conc. univ. c. 19* (in v. d. Hardt, *Conc. Const. t. i. P. v. p. 113*): *In Concilio Pisano, secundum opinionem multorum, omnia fuerunt quasi primis motibus facta et agitata, spiritu vehementi, et non matura deliberatione, ut etiam Concilium decebat, ordinata nec completa.* *Nicolas de Clamengis Disp. super Materia Concilii Generalis cum quodam Scholastico Parisiensi* (written in 1416; see p. 75) in his *Opp. ed. Jo. M. Lydius. Lugd. Bat. 1618. 4. p. 70*: *Quae alia res in Pisana congregatione Ecclesiam Dei populumque decepit, et clamare fecit: Pax, pax, cum nulla esset pax; nisi quia carnales et cupidi homines, qui ubique ex refrigerio charitatis superabundant, beneficiorum ardore succensi, prorsusque excaecati ecclesiasticam reformationem, quam boni et fideles plerique ante omnia fieri volebant, impederunt, ad novamque mox electionem processerunt, qua facta, et promotionibus quas concupierunt adeptis, pacem esse clamarunt, solutoque conventu cum illa quam quaesierant pace, hoc est promotione, reversi sunt?* *Whether this council was oecumenical or not remained long undecided, after the last trace of its agency was destroyed by the deposition of John XXIII. at Constance.* *S. Antonini Summa Histor. Tit. xxii. Cap. 5, § 2: per Pisanum Concilium vel Conciliabulum (cum non esset auctoritate alicujus eorum, qui se gerebant pro Pontifice, congregatum) non erat ablatum ipsum schisma, sed augmentatum, ex duobus vel tribus jam se pro Papa gerentibus.* *Jetanus De Auct. Papae et Concilii, Tract. ii. c. 2, says, quod nec illud Concilium con-*

three; for although most of the nations recognized Alexander V., Gregory XII. still retained on his side Naples, several of the smaller states of Italy, and the German bishops of Treves, Speyer, and Worms, while Benedict XIII. kept Spain and Scotland. A reformation of the Church was not effected; and after Alexander V. died at Bologna, 3d May, 1410, and Balthasar Cossa, infamous for all sorts of crimes, succeeded him, as John XXIII.,<sup>11</sup> nothing more could be expected from the Pope.<sup>12</sup> John XXIII. used all his

stat fuisse certum et indubitatum; Bellarminus, de Conciliis et Ecclesia, lib. i. c. 8, calls it—*nec approbatum, nec reprobatum*; but he still considers Alexander V. and John XXIII. as the real popes of that age: *certe ex tribus, qui tum se pro Pontificibus gerebant, isti maxime ut veri Pontifices colebantur*. The later curialists entirely reject the oecumenicity of the Concilium Pisanum (Ballerinius, De Potestate Ecclesiastica Summorum Pontificum et Concill. Generali. cap. 6); and, accordingly, they disown its popes also, Alexander V. and John XXIII., and recognize Gregory XII. as the rightful Pope, until his resignation at Constance (Raynald. ann. 1409, no. 79 and 80). The French party, on the other hand, have constantly defended the council and its popes; see Edm. Richeri Hist. Concillorum Generalium, lib. ii. c. 2, § 6; Bossuet, Defensio Declarat. Cleri Gall. P. ii. lib. 9. c. 11; especially, Natalis Alex. Hist. Eccl., saec. xv. et xvi. Diss. ii.

<sup>10</sup> Probably poisoned by his successor; see the *Articuli contra Joh. P. XXIII.* laid before the Council of Constance (in v. d. Hardt, Conc. Const. t. iv. p. 197): *dictus tunc Dominus Balthasar appellatus, Legatus Bononiae existens, ad papatum illicitis mediis anhelans, in mortem bonae memoriae Domini Alexandri Papae V. extitit machinatus, et ut tam ipse, quam medicus suus Magister Daniel de sancta Sophia, artium et medicinae Doctor, veneno extinguerentur, prout extincti sunt, operam dedit. Sicque, ut praedicitur, fuit dictum, tentum, creditum et reputatum, diciturque, tenetur, creditur et reputatur. Atque fuit et est de praemissis in civitate Bononiensi et extra per totum mundum publica vox et fama, et est graviter et notorie diffamatus. Conrad Justinger's († 1426) Berner Chronik, herausgeg. von Stierlin u. Wyss, Bern, 1819, 8. s. 275: "und war ein offen Lümde, der künftig Pabst ware eine Fürdrung zu sinem Tode." Antoninus, P. iii. Tit. xxii. Cap. 6, § 8, merely says: *migravit a saeculo, ut dicitur, toxicatus in clisterio*.*

<sup>11</sup> Conrad Justinger, s. 276: "The Cardinals chose the wickedest and most infamous man that could be found; his wickedness was made very clear at the Council of Constance; his name was Balthasar, accused and laden with many a deed of crime." See Theod. a Niem, *Invectiva in diffugientem a Constant. Conc. Joh. XXIII.* in v. d. Hardt, Conc. Const. t. ii. p. 296 ss. *Ejusd. Vita. Jo. XXIII. ibid.* p. 886, and the *Articuli* quoted in note 10.

<sup>12</sup> *Regulae Cancellariae Joh. P. XXIII.*, published 19th July, 1410, in v. d. Hardt, i. XXI. p. 854. Petrus de Alliaco, *De Difficultate Reformationis in Conc. universali ad Jo. Gersonem*, written in 1410, cap. 2 (in v. d. Hardt, Conc. Const. t. i. P. vi. p. 266 ss.): *Quippe notorium est, quod dictus Johannes in primordio sui Pontificatus reservavit suae dispositioni omnes Patriarchales, Metropolitanas ac Cathedralis Ecclesias, necnon omnia Monasteria virorum, prout etiam nonnulli ejus praedecessores summi Pontifices facere consueverunt.—Item ultra praedictas et omnes generales alias reservationes quarumlibet inferiorum dignitatum et beneficiorum ecclesiasticorum per eum etiam factas, extra solitam consuetudinem eorundem suorum praedecessorum, reservavit suae dispositioni omnes Prioratus, Conventuales et majores post Pontificales in cathedralibus, necnon principales dignitates in collegiatis Ecclesiis ubicunque vacantes et vacaturas.—Item dictus Johannes aliam fecit constitutionem, continentem in effectu, quod quicumque ab eo impetraret quaecunque beneficium ecclesiasticum—antequam illi super eadem im-*

power to subdue Ladislaus, king of Naples, who protected Gregory XII. After all his efforts, including even the proclamation of a crusade in 1411,<sup>13</sup> had remained without result, the King was won over in 1412 by the promise of great advantages; and Gregory XII., faithlessly abandoned, was driven to seek refuge in Rimini with his true friend Charles of Malatesta.<sup>14</sup> But not long afterward Ladislaus broke once more with John XXIII., suddenly marched against Rome in 1413, and forced the Pope to fly into

petratione literae apostolicae in Romana curia confectae traderentur, solveret camerae Apostolicae realiter medietatem *fructuum* dicti beneficii impetrati *unius anni*. To this were added also—duae novellae constitutiones. Viz., olim quicumque praefecti fuerant cathedralibus Ecclesiis, aut Monasteriis virorum vacantibus in Praelatos, non arctabantur per sedem Apostolicam, ut in promptu plus solverent Camerae Apostolicae aut collegio Cardinalium pro *communi servitio*, quam medietatem taxae, ad quam Ecclesiae vel Monasteria ipsa in eadem Camera reperiebantur esse taxata. Et pro alia medietate solvenda promotis—dilatio dabatur.—Quas quidem taxas oportet promotos per ipsum Dom. Johannem integraliter solve, —antequam literae Apostolicae—tradantur ipsis promotis.—Ex quo contingit, quod plures Ecclesiarum et dignitatum seu monasteriorum, ad quae promoti sunt, possessionem nequeant apprehendere. Further, olim ante schisma—ratione inferiorum dignitatum et beneficiorum Ecclesiasticorum vacantium—non consueverant impetrantes *medios fructus* dignitatum et beneficiorum praefatorum eidem camerae solve, priusquam illa essent pacifice assecuti. Et tunc concordabant super illis cum collectoribus fructuum dictae camerae in diversis partibus debitorum.—Nunc autem extorquentur dicti medii fructus ab impetrantibus ipsis in eadem curia, antequam eis literae Apostolicae confectae super talibus gratiis tradantur per officiales dictae camerae.—Et quod deterius est, si forte centum concurrerent pro uno beneficio vacante et reservato impetrando, daretur omnibus per Papam. Tamen si literas Apostolicas super ipsis impetrantibus suis vellent habere, quemlibet eorum incunctanter medietatem fructuum dicti beneficii praefatae camerae ante omnia solve oporteret, licet nisi unus eorum illud assequi posset (compare the anonymous writer in Bulaeus Hist. Univ. Paris, iv. p. 914).—Cap. 3. p. 260: Cum igitur juxta praehabita pateat, quod apud Papam et ejus collegium Cardinalium nulla vigeat charitas quoad alios Praelatos et Christianos, sed perpetua et insatiabilis rapacitas potius ardeat in eisdem, ut qualitercunque dicebatur: dato, quod generale Concilium convocaretur et fieret, sicut dicis et consulis fieri debere, qualis ex hoc utilitas universalis Ecclesiae resultaret? Esto etiam, quod omnes isti tres de papatu contententes sponte cederent, aut ad cedendum compellerentur invitati, eisque novus Papa, sicut factum fuit in Pisis novissime, surrogaretur: dicti Cardinales in stata eorum nihilominus remanentes dicerent, quod ad eos duntaxat spectaret electio summi Pontificis. Quod si obtinerent, non est dubitandum, quin unum ex se ipsis eligerent, sicut fecerunt in Pisis. Sicque nulla reformatio efficax et fructuosa ex cessione hujusmodi sequeretur, nisi vocalis, et unius personae mutatio tantum. Et hi quidem electus et electores juxta mores veteres eorum similiter perpetuum errorem in ipsa Ecclesia continuarent, quousque unus eorum in eodem statu in ipsa Ecclesia remaneret. Certum est enim, quod mystice sacerdotes Bel cum eorum uxoribus et filiis omnes unanimiter in lacum leonum missi fuerint, ut per ipsos leones devorarentur. Quod si aliqui eorum supervixissent, extunc etiam cibos regios, eidem Bel singulis diebus appositos devorassent, prout ante deceptorie facere consueverant. Et ne hoc deinceps fieret taliter, una sententia super omnes justo Dei judicio lata subito perierunt.

<sup>13</sup> Raynaldus, ann. 1411, no. 5; ann. 1412, no. 2.

<sup>14</sup> Theodor. a Niem, De Vita Jo. XXIII. c. 22 and 24. H. Leo, Gesch. der Italienschen Staaten. Th. 4 (Hamburg, 1830), s. 271, ff.

Northern Italy, and throw himself into the arms of the Emperor Sigismund, who was there at the time. Under these circumstances, the Emperor succeeded in inducing the Pope to summon at Constance, a German city, for the 1st November, 1414, the long-desired general council, to put an end to the boundless disorder in the Church.<sup>15</sup>

## § 131.

COUNCIL OF CONSTANCE (5TH NOVEMBER, 1414—22D APRIL, 1418). MARTIN V. (11TH NOVEMBER, 1417, † 20TH FEBRUARY, 1481).

*Magnum oecumenicum Constantiense Concilium ex ingenti antiquissimorum Manuscriptorum mole diligentissime erutum*, op. H. v. d. Hardt, vi. tomi., Francof. et Lips. 1700. Tom. vii., *sistens indicem generalem*, congescit G. Ch. Bohnstedt. Berolini, 1742, fol.

Theodorici Vrie (also written Vrige, Frig, Frie, but erroneously by modern writers Uric or Urias, an Augustin monk at Osnaburg; see v. d. Hardt, *Prolegg.* ad t. i. *Conc. Const.*, p. 22 ss.), *De Consolatione Ecclesiae*, libb. iv., written in 1417, published by v. d. Hardt with the title, *Historia Conc. Constantiensis* (*Conc. Const.* t. i. p. 1 ss.). *Histoire du Concile de Constance* par Jaques Lenfant. Tomes ii. à Amsterdam, 1714, nouv. édit. 1727. 4. *Nouvelle Histoire du Concile de Constance, ou l'on fait voir, combien la France a contribué à l'extinction du Schisme*, par Bourgeoise du Chastenet à Paris, 1718. 4. (a completion of the works of v. d. Hardt and Lenfant).—Casp. Royko's *Geschichte der Kirchenversammlung zu Costnitz*. Prag, Th. 1. 2. 2te Aufl. 1796. Th. 3. 4. 1784, 1785. Register, 1796, gr. 8. [Aschbach, *Leben d. K. Sigismunda*, 2. 8. Frankf. 1838. Bonnechose, Gerson. J. Huss, et le Concile de Const. Paris, 1853.]

The desire for a complete settlement of the schism, and for a reformation of the Church in head and members, was so much increased by the deception of Alexander V., and by the bold derision of John XXIII.; and the principles and proposals which John

<sup>15</sup> Leonardus Aretinus in Muratori, xix. p. 928: *unicum remedium et Imperatori et Pontifici videbatur generale Concilium advocari. Sed erant circa hoc ipsum constituenda permulta, ceu locus, tempus, modus. Misit sunt igitur his de causis ad Sigismundum Legati. Horum missio Legatorum rainae Pontificis initium fuit. Qua in re non videtur praetereundum mirabile quiddam, quod tunc accidit, ut omnia caelitus gubernari cognoscamus. Communicaverat mecum Pontifex arcane mentem et cogitationem suam. In loco, inquit, Concilii rei summa est, nec ego alicubi esse volo, ubi Imperator plus possit. Legatis igitur istis, qui a me mittuntur, mandata amplissima, potestatemque maximam ad honestatis speciem dabo, quae palam ostentare possint, atque proferre: secreto autem mandatum restringam ad loca certa.* However, he altered his mind, he gave the ambassadors only general instructions, ostendens quanti ponderis illa res esset, cujus rei gratia mitterentur, and dismissed them with the injunction: *vestrae prudentiae cuncta permitto. Vos, quid mihi tutum, et quid formidandum, cogitetis.* After the ambassadors had come to an agreement with the Emperor as regards Constance, Joannes incredible quantum indoluit, se ipsum ac fortunam suam detestatus, quod tam leviter a cogitatione, propositoque illo pristino restringendorum locorum descivisset. The bull by which the council was summoned, d. Laudae V. Id. Dec. 1418, may be seen in Raynald, ann. 1413, no. 22; v. d. Hardt, t. vi. p. 9.

Gerson avowed in his powerful works in favor of reform,<sup>1</sup> seemed

<sup>1</sup> Especially in his *Opus de Modis Uniendi ac Reformandi Ecclesiam in Concilio Universali*, written in 1410 (cf. cap. 21, cum ad praesens de facto vacet Imperium, et Imperii Electores diversis obediant)—published in v. d. Hardt, *Conc. Const. t. i. P. v. p. 68 ss.*, and in Gerson's *Opera*, ed. du Pin, t. ii. P. ii. p. 161 ss.—in which he sought to settle the doubts raised by Petrus de Alliaco, in his work *De Difficultate Reform. in Conc. Univ.* (see § 130, note 12.) First of all, the distinction which he adopts between the *usa, sancta Catholica*, and the *Apostolica Ecclesia*, is remarkable; in v. d. Hardt, cap. 2, p. 70: *Catholica, universalis Ecclesia ex variis membris unum corpus constituentibus—est conjuncta et nominata. Cujus corporis, universalis Ecclesiae, caput Christus solus est. Caeteri vero, ut Papa, Cardinales, et Praelati, Clerici, Reges, et Principes, ac plebeji sunt membra inaequaliter disposita. Nec istius Ecclesiae Papa potest dici nec debet caput sed solum vicarius Christi, ejus vicem gerens in terris, dum tamen clavis non erret. Et in hac Ecclesia, et in ejus fide omnis homo potest salvari, etiamsi in toto mundo aliquis Papa non posset reperiri.—Haec Ecclesia de lege currenti nunquam errare potuit, nunquam deficere, nunquam schisma passa est, nunquam haeresi maculata est, nunquam falli aut fallere potuit, nunquam peccavit* (according to Gratian's *Decretal, Caus. XXIV. Qu. 1. per totum*). In ista etiam omnes fideles, in quantum fideles sunt, unum sunt in Christo, in cujus fide non est distantia Judaei, Graeci, domini et servi. Alia vero vocatur *Ecclesia Apostolica* particularis et privata, in catholica Ecclesia inclusa, ex Papa, Cardinalibus, Episcopis, Praelatis et viris ecclesiasticis compaginata. Et solet dici Ecclesia Romana, cujus caput Papa creditur: caeteri vero Ecclesiastici, tanquam membra inferiora et superiora, in ea includuntur. Et haec errare potest et potuit falli et fallere, schisma et haeresin habere, etiam potest deficere. Et haec longe minoris auctoritatis videtur esse universali Ecclesia:—et est quasi instrumentalis et operativa clavium universalis Ecclesiae, et executiva potestatis ligandi et solvendi ejusdem. Nec de recta conscientia majorem habet vel habere potest auctoritatem, et executionem potestatis, quam sibi ab universali Ecclesia conceditur. Cap. 5, p. 75: Si propter salvationem unius regni, unius provinciae, deponitur unus Rex, unus Princeps saecularis, qui per successionem perpetuam descendit: multo magis unus Papa, unus Praelatus est deponendus, qui per electionem Cardinalium fuit institutus, cujus pater et avus forsitan ventres implere non sufficiebant fabis. Durum enim est dicere, quod filius unius Veneti piscatoris papatum debeat tenere cum detrimento totius reipublicae ecclesiasticae.—Sed forte me voluisti capere in sermone per varia scripta, allegando, quod tam sancta, tam alta sit potestas Papae, ut a nullo mortalium judicari valeat nec deponi, nisi propter haeresin incorrigibilem; ad haec allegas *Dist. xl. can. 6.* Sed perpende, mi frater, quanta fraude, quanta astutia temporibus antiquis fuerint facta et scripta quam plurima ad tenendam hanc dignitatem Papatus.—Dico, quod tantam fraudem in administratione hujus Papatus fecerint aliqui antiqui, qui—multa jura sibi usurparunt, et pro se fecerunt,—et de republica non curarunt. Et quis fecit illos libros, *Sextum, et Clementinas*, arrogantiam, superbiam, juris Ordinariorum locorum usurpationem, Imperatorum Romanorum injuriosam detractionem, et eorum aliorumque potestatis periculosissimam suppressionem, et alia multa in spiritualis et saecularis reipublicae laesionem malitiosam et pertinaciam ambitione fabricata, in omnibus et per omnia concludentes. Et male: quis non minus terreno Principi in his, quae ad jura pertinent imperii, quam spirituali in his, quae ad Deum spectant, debetur obedientia.—Igitur omnes inobedientes Romano Imperatori, et ejusdem imperio, quia ejus jura usurpant, in statu damnationis existunt. Nihilominus et Papae voluerunt observari illos sicut sancta Dei Evangelia.—Papa, ut Papa, est homo, et ut homo, sic est Papa, et ut Papa potest peccare, et ut homo potest errare.—Subjicitur ergo, ut aliter Christianus, in omnibus praecepto et mandato Christi.—Cum ergo Christi praeceptum dicat: *Si peccaverit in te frater tuus, corripue eum intrate et ipsum solum: si te non audierit, adhibe duos testes, sin autem, dic Ecclesiae* (*Matth. xviii. 15*); cum ergo Papa sit meus frater et proximus in natura et in Christi fide:—corripendus est juxta processum praecepti Christi. Non ergo illud decretum est tenendum, quod Papa a nemine sit judicandus.—Pag. 80: Papatus non est sanctitas, nec facit ho-

to be so generally adopted by the majority of those who were as-

minem sanctum, licet volentem disponat ad sanctitatem, sicut faciunt caeterae dignitates ecclesiasticae.—Et si dicatur: *illa sedes aut sanctum facit, aut sanctum invenit*; intelligitur ita: *deberet sanctum invenire*. Ridiculum est enim dicere, quod unus homo mortalis dicat se potestatem habere in coelo et in terra ligandi et solvendi a peccatis, et quod ille sit filius perditionis, simoniacus, avarus, mendax, exactor, fornicator, superbus, pomposus, et pejor quam diabolus.—Cap. 9, p. 87: Sed numquid tale Concilium, ubi Papa non praesidet, est supra Papam? Certe sic. Superius in auctoritate, superius in dignitate, superius in officio. Tali enim Concilio ipse Papa in omnibus tenetur obedire, tale Concilium potest potestatem Papae limitare, quia tali Concilio, cum repraesentet Ecclesiam universalem, claves ligandi et solvendi sunt concessae. Tale Concilium jura papalia potest tollere, a tali Concilio nullus potest appellare, tale Concilium potest Papam eligere, privare et deponere, tale Concilium potest jura nova condere, et facta ac antiqua destruere, talis etiam Concilii constitutiones, statuta et regulae sunt immutabiles et indispensabiles per quamcunque personam inferiorem Concilio. Nec potest, nec potuit aliquando Papa dispensare contra canones sanctos in Conciliis generalibus, nisi Concilium specialiter hoc illi commiserit ex magna causa. Nec facta Concilii potest Papa immutare, imo nec interpretari, aut contra ea dispensare, cum sint sicut Evangelia Christi, quae nullam recipiunt dispensationem, et super quae Papa nullam habet jurisdictionem. Cap. 10, p. 90: Concilium ergo generale, repraesentans universalem Ecclesiam, si affectat unionem integram videre, si affectat schismata reprimere, si vult schismatibus finem statuere, si vult Ecclesiam exaltare; primo ante omnia ad instar sanctorum Patrum, qui nos praecesserunt, limitet ac terminet potestatem coactivam et usurpatam papalem. (Here follows the passage quoted in vol. 3, § 107, note 3.) P. 91: Ideo sacrum universale Concilium reducat et reformet Ecclesiam universalem in jure antiquo. Et abusivam papalem in Decreto et Decretalibus, Sexto et Clementinis, necnon Extravagantibus papalibus praetensam limitet potestatem. Christus enim nullam aliam potestatem Petro tribuit, quam ligandi et solvendi, ligandi per poenitentias, et solvendi culpas. Non enim illi contulit, ut beneficia tribueret, ut regna, castra et civitates haberet, ut Imperatores et Reges privaret. Quod si taliter potestatem Christus Petro contulisset, utique ipse Petrus aut Paulus, quod nefas est dicere, valde peccassent, aut errassent in eo, quod Neronem Imperatorem, quem sciverunt esse pessimum, et Christianorum immanissimum persecutorem, imperio non privarint.—Et quis unquam legit, vel in veritate audivit, quod antiquis temporibus Romanorum Reges vel Imperatores consueverint ante Papam juramentum praestare, potissime antequam primus Otto Mag- ni Augusti semper alter, juramentum reperit in Decretis praestitisse? quod indultum a quoquam Papae fuerit, ut reservationes cathedralium et aliarum Ecclesiarum ac Monasteriorum faceret? ut propter pecunias homines, Episcopos et Praelatos excommunicaret, atque ab eorum dignitatibus destitueret, seu privaret, ac omni die festivo in valvis Curiae? ut primos fructus in Camera soleret aggregare, et excommunicatos emaciar- et ac eos scandalizaret? (cf. cap. 17, p. 110: Ita ut jam non videatur Romana Curia esse, nisi quoddam forum publicum, ad quod quo quis plura portaverit, plura mercimo- nia habebit.)—Reformetur etiam Ecclesia quoad Cardinales, qui tot commendas habent sine causa, destruentes tot Ecclesias et Monasteria.—Reformetur etiam Ecclesia in Prae- latis, in Monachis et Presbyteris. In Praelatis, ut electi ad Ecclesias vitae honestate, literarum sufficientia, et perfecta aetate excellentes per Ordinarios et Archiepiscopos confirmentur: in Monachis, ut vivant in observantia regulari: in Presbyteris, ut non praeficiantur Ecclesiae, nisi virtutibus clari et literarum sufficientia fuerint imbuti, docti et instructi.—Rescindantur etiam abusivae libertates et exemptiones, concessae illis qua- tuor Ordinibus fratrum mendicantium, quibus nimium abutuntur.—Et liberentur ab ip- sis omnino omnia monasteria Monialium, quia ipsi fratres, seu multi ex eis in plerisque provinciis valde deturpant ipsas moniales eis subjectas.—Nimis etiam multiplicantur hi fratres. Et quid opus est, ut in aliqua domo eorum fratrum, scilicet Coloniae,—conti- nue resideant LXX. eorum, aut plures, inter quos forsitan non sunt quinque vel sex suf- ficientes ad proponendum verbum Dei populo. Et tot pro una tota provincia sufficere



possent. Cap. 12, page 96: *Sed timeo, dato etiam, quod ista reformatio fiat in scriptis, etiam certis juramentis et firmamentis ac pactis adjectis, quod post per Papam et Cardinales, ac caeteros ipsius Curiae Officiales et Praelatos non observarentur, dicens Francisco Petrarca in libro sine nomine: Crescentibus flagitiis hominum crevit veri odium, et regnum blanditiis atque mendacio datum est. Et quia difficile est, consueta relinquere.*—Cap. 16, p. 105: *Aut ergo congregetur Ecclesia ad hoc, ut sancita et actitata in concilio Pisano demandentur ulteriori et reali executioni, et illi duo (Greg. XII. et Bened. XIII.) privati de jure etiam priventur de facto. Aut ubi hoc remedium reperiri non poterit, quod est verisimile reperiri non posse propter adstrictas obedientias eis subditas, seu potentes obedientes ipsis, qui ab eis deviare nolunt: tunc, si illi duo privati et abjecti petant generale concilium, et promittant, se ibidem personaliter velle comparere, et suo juri de facto, quod habent, libere et pure renunciare in casu, quo Dominus noster Papa Johannes etiam suo juri renunciare velit: tunc in isto casu quid fiet, dicam sine praesudicio, quod ipse Dominus noster Papa, si alias non potest consuli Ecclesiae,—non dico unum Papatum, sed plures, si essent possibiles, teneatur in casu isto liberenter et voluntarie renunciare, et Papatui suo cedere, ne respublica et tota Ecclesia propter unum hominem peccatorem sine virtutibus et exemplis bonis debeat perire.* Cap. 17, p. 107: *Tunc—universalis Ecclesia—reformabitur. Sed tunc caveat universalis Ecclesia super omnia, ut nunquam sub quovis colore concedat Papae potestatem dispensandi contra statuta generalis Concilii, aut ea interpretandi, seu immutandi propter varietates temporum, et novos supervenientes casus; sed quod solum illa debeant immutari per aliud Concilium generale, fiendum de tempore in tempus propter reformationem Ecclesiae. Luce enim clarius constat, quod pro majori parte facta et ordinata in quatuor generalibus Conciliis principalibus, et aliis Conciliis per temporum successiones statuta, crescente avaritia Pontificum, Cardinalium, et Praelatorum, tam per Papae reservationes, quam per iniquas Camerae Apostolicae constitutiones et Cancellariae regulas, et formulas audientiae causarum Rotae, et ambitiosas dispensationes, absolutiones, indulgentias, confessionalia, officium poenitentiarum sint fere immutata, annihilata, et quasi in derisum et oblivionem posita.*—Cap. 24: *Subsequenter autem venio ad illas novellas constitutiones Alexandri et Johannis praedictorum, quibus cavetur, quod promotus ad aliquam Ecclesiam cathedralem, vel aliquod Monasterium, etc., et quod impetrans beneficium reservatum a Papa, etc. (see § 130, note 12.) Huic quaestioni, Pater reverende, cum non sint de jure, sed de facto hae pestiferae constitutiones, satisfacere nequeo ad praesens, cum sint super violentia manifesta, Simonia publica, rapacitate lupina, et ovium Christi dispersione fabricatae, quaeque ad aliud non sunt, nisi ut eorum conditores furentur, mactent et perdant, ipsi videlicet Papae et Cardinales. Quocirca ut futurus Rex vel Imperator Romanus, Domino concedente, adhaereat dictis Angelo (Gregorio XII.), et Petro (Benedicto XIII.), et tali lupo rapaci, et tali raptori tyranno (Joanni XXIII.), qui non regnat in Ecclesia, nec principatur propter bonum commune, sed solum propter bonum privatum, et ejus principatus est manifesta tyrannia, quod sana conscientia compellat, seu compelli faciat, aut audeat compellere, non video.*—Sic ergo concludo, quod superioribus sit obediendum in licitis et honestis: non autem compelli debemus ad eorum obedientias, ubi opera eorum sunt notorie prava, et totam Ecclesiam scandalizantia; ubi est patrimonii Christi manifesta dissipatio et injuriosa dispensatio; ubi pastores sunt tonsores; ubi non sunt agni, sed lupi; ubi non sunt dispensatores mysteriorum Christi, sed dissipatores; ubi non sunt sobrii, sed ebrii; ubi non sunt Praelati, ponentes animas suas pro ovibus suis, sed Pilati, satisfacientes aliorum cupiditatibus et desideriis, et ubi non mittunt retia sua in capturam animarum, sed pecuniarum. Omnis enim eorum cura circa acquisitionem pecuniarum est. Et breviter, ubi non Christi, sed mores gerunt Antichristi. Et ideo Christus dixit, talibus non obediendum. *In novissimis enim temporibus multi venient in nomine meo, dicentes: ecce hic Christus, ecce illic Christus* (Matth. xxiv. 23): sicut modo dicitur: *ecce hic est verus Papa, ecce iste alius est verus Papa. Nolite credere eis*, ait Christus. Imo, si nos debemus subtrahere ab omni fratre ambulante inordinate, quanto magis a superiori perverso et iniquo, ex cujus exemplo tota corrumpitur respublica, et sancta mater Ecclesia deturpatur.

sembling in such numbers at the synod of Constance<sup>2</sup> that John XXIII. could not long remain ignorant of the dangers which there threatened him. True, he opened the council with all Papal honors (5th November, 1414); but the preponderance of Italian voices, which at the earlier synods had always been in favor of the popes, was at once lost to him by the resolution that votes should be given by nations.<sup>3</sup> From an anxious desire to put an end to the schism, the council immediately adopted the position, to let drop the decrees of Pisa, upon which John XXIII. rested his claim, and to persuade all three popes to a voluntary resigna-

<sup>2</sup> See Gebhard Dächer's list, made by order of the Elector of Saxony, who had the superintendence, in v. d. Hardt, t. v. P. ii. p. 10 ss., and another in Justinger's Berner Chronik, s. 320 ff. Compare Lenfant, t. ii. p. 365 ss. Dächer's list concludes: *Mulieres communes, quas reperi in domibus, et ultra et non minus, exceptis aliis, DCC. Justinger: offen fahrend Dirnen ob 700, denne ander heimlich Dirnen und Curtisanen vast viel.*

<sup>3</sup> See v. d. Hardt, t. ii. p. 224 ss. The papal party wished, quod in Concilio—soli Praelati majores, Episcopi et Abbates habeant vocem in definitiva sententia agendorum. On the other hand, the Card. Cameracensis (Petrus de Alliaco) gave his opinion, in a *schedula*, in which he directed attention to the point, quod a tempore nascentis Ecclesiae—varii fuerunt modi observati—in modo congregationis et deliberationis Conciliorum generalium. Nam, sicut patet in Actibus Apostolorum,—quandoque in Conciliis congregabatur tota communitas Christianorum, quandoque Episcopi, Presbyteri, Diaconi, quandoque soli Episcopi sine Abbatibus quandoque cum Episcopis Abbates, quandoque Imperator convocabat et congregabat Concilium.—Item sciendum est, quod quando in Conciliis generalibus soli Episcopi habebant vocem definitivam, hoc fuit, quia habebant administrationem populi, et erant viri sancti et docti et electi prae caeteris in Ecclesia christiana. Postea fuerunt additi Abbates eadem de causa, et quia habebant administrationem subjectorum. Et eadem ratione addi deberent Priores aut Majores quarumcunque congregationum plus quam Episcopi, vel Abbates inutiles, solum titulares.—Item eadem ratione, qua supra, non sunt excludendi a voce definitiva Sacrae Theologiae Doctores, ac juris canonici et civiles. Quibus, et maxime Theologia, datur auctoritas praedicandi aut docendi ubique terrarum, quae non est parva auctoritas in populo Christiano, sed multo major quam unius Episcopi vel Abbatis ignorantis, et solum titularia. Et quia antiquitus haec Doctorum auctoritas non erat introducta per modum Studiorum generalium, quae hodie auctoritate Ecclesiae observatur, de eis non fit mentio in antiquis iuribus communibus, sed in Concilio Pisano et Romano (from 1412) eorum auctoritas allegatur, et in definitiva sententia se subscribunt. Quare eos in simili excludere praesens Concilium, quod est dicti Pisani continuativum non solum esset absurdum, sed dicti Pisani Concilii quodammodo reprobativum.—Item quantum ad materiam terminandi praesens schisma et dandi pacem Ecclesiae, velle excludere Reges, Principes aut Ambasiatores eorum—a voce seu determinatione etiam conclusiva, non videtur justum, aequum, aut rationi consonum: cum hujusmodi pacis conclusio ad eos et populos eis subjectos valde pertineat, et sine eorum consilio, auxilio et favore non possint ea, quae in hoc Concilio concludentur, executioni mandari. To the same effect speaks the *Schedula* of the Cardinal S. Marci (Guil. Philasterius, Fillastre), p. 226: Tu, quisquis es, qui praetendis primo, solos majores Praelatos, ut his verbis utar, Episcopos et Abbates, habere vocem in generali Concilio: et ita excludis Doctores, Archidiaconos, Rectores parochialium Ecclesiarum, caeterosque dignitates habentes, quibus cura imminet animarum, Ordines praeterea ecclesiasticos, Sacerdotes et Diaconos, dic, ubi illos non admittendos legisti? Et si legeris Conciliorum antiquorum actiones, reperisti Sacerdotes et Diaconos

tion.<sup>4</sup> John XXIII., when a frightful accusation threatened to

admissos.—Si Canonista es, vide textum Canonis dicentem, quod Doctorum Ordo quasi praecipuus est in Ecclesia Dei. Illum ergo Ordinem, et quasi praecipuum Ordinem repellis, et admittis indistincte Episcopos et Abbates, quorum pars major indocta. Et attende, quod Rex, vel Praelatus indoctus est asinus coronatus. Cum illis ergo Doctores admitte, ut illorum scientiae defectum, qui tamen auctoritatem habent, istorum scientia et doctrina suppleant. Then it is also maintained: Inter episcopos et Presbyteros, quantum ad ordinationem et meritum, Apostolus nullam differentiam facit. After this question came the other, p. 230: quomodo deciderentur agenda in Concilio, et fieret scrutinium votorum? utrum per nationes in genere, quarum quatuor erant, nimirum Italiae, Galliae, Germaniae et Angliae, vel per capita singula? Et licet clarum de jure videatur, quod perscrutanda sint vota per capita singula: *quia tamen plures sunt Praelati Italiae pauperes, quam fere de omnibus nationibus, praeterea Dominus noster fecit in numero excessivo Praelatos Cubicularios ultra quinquaginta; dicitur praeterea, quod multos voluit sibi obligare juramentis et muneribus, alios minis terruisse, ut ita scrutando per capita nihil fieret, nisi quod vellet Dominus noster*: in istis quaestionibus Concilium diu pependit.—Interim Nationes ulterioris Galliae, Germaniae et Angliae, et ita postea Italiae, per se ipsas se congregaverunt et deciderunt *de facto* quaestionem. *Cerretanus* in Actis Conc. Const. (v. d. Hardt, iv. ii. p. 40) says: Die Jovis, septima Februarii, post nonnullas disceptationes decretum est, ut in Concilio per Nationes, et non per vota procederetur.

<sup>4</sup> In the Congregation on 7th December, 1414, a proposal was made by the Italians devoted to John XXIII. (see *Schedula* in v. d. Hardt, iv. i. p. 24), quod declararetur, Concilium Pisanum, omniaque et singula acta et gesta in eo, indeque secuta, fuisse et esse rationabilia et canonica, et ab omnibus et per omnia admittendum fore, et sub poenis canonicis admitti debere, et executioni subjacere condemnata in eo. Et pro eorum executione quod Papa teneatur et debeat expellere Petrum de Luna, et persequi Errorium (Gregorium XII.) dejectos, eorumque fautores et defensores. On the other side, Petrus de Alliaco, Card. Cameracensis, sought to avert the confirmation of the council of Pisa (*Schedula* in v. d. Hardt, ii. p. 194): In praesenti Concilio non est revocandum in dubium, sed pro fundamento supponendum, quod Concilium Pisanum fuit legitimum, et canonicè celebratum, et ideo stabile et firmum.—Confirmatio Pisani Concilii, simpliciter et sine nova causa facta, non habet proprie auctoritatem mentes solidandi, sed magis irritandi, nec omnem scrupulositatem in causa dicti Pisani Concilii amovendi, seu errores circa ipsum extirpandi, sed magis novos errores inducendi, et schismatis obstinationem confirmandi, nisi prius convenientia remedia adhibeantur. In a second *Schedula* he proposed (l. c. p. 196): quia ejectio duorum contententium de Papatu non est facilis vel verosimilis obtineri via belli, tentandum erit, et diligenter tractandum, quod fiat pax per ipsorum reductionem vel voluntariam cessionem. He came forward afterward with still greater plainness in some *Conclusiones* (l. c. p. 200): Licet Concilium Pisanum probabiliter credatur representasse universalem Ecclesiam, et vices ejus gessisse, quae Spiritu Sancto regitur, et errare non poterit: tamen propter hoc non est necessario concludendum, quod a quocunque fideli sit firmiter credendum, quod illud Concilium errare non potuit, cum plura priora Concilia fuerint generalia reputata, quae errasse leguntur. Nam secundum quosdam magnos Doctores generale Concilium potest errare non solum in facto, sed etiam in jure, et quod magis est, in fide. Quia sola universalis Ecclesia hoc habet privilegium, quod in fide errare non potest. In January, 1415, ambassadors came also from Gregory XII. and Benedict XIII. (v. d. Hardt, iv. ii. p. 83 ss.), and Gregory XII. declared by his (v. d. Hardt, ii. p. 204); viam cessionis Papatus—ex nunc pura et sincera intentione offerimus—juxta determinationem Concilii per Regiam Majestatem de omnibus obedientiis et nationibus in hoc schismate in civitate Constantiensi congregati, dicto Balthasare, qui a nonnullis Johannis XXIII. nuncupatur, non praesidente, nec interessente, cum effectu perficiendam, praefatis Petro de Luna et Balthasar Coesa idem facientibus. In February, the Cardinalis S. Marci (Guillelmus Philasterius, formerly Dean at Rheims) first came forward with the proposal (v. d. Hardt, ii. p. 210) cessionis

lead to an examination into his crimes, found himself compelled, on 2d March, 1415, to promise his resignation.<sup>5</sup> Thereupon, in-

flendae ab omnibus, and on the question—*utrum ad illam teneatur Dominus Johannes*, declared himself to this effect; in *casu*, in quo est manifeste Summus Pontifex, quanto verior pastor Ecclesiae, tanto libentius, ferventius et citius debet pro pace et unione Ecclesiae aggredi viam cessionis et offerre. Patet conclusio ex dictis summi pastoris dicentis: *bonus pastor animam suam ponit pro ovibus suis* (Jo. x. 12).—Si autem animam tenetur ponere, multo magis accidentia vitae, honorem, potestatem, dominatum.—Quia ex praemissis tenetur ad hoc, igitur compelli potest, si recusat.—Nec dubitandum, quin generale Concilium sit iudex competens in hac parte. On the other hand, the papal party gave in several *Schedulae* (l. c. p. 214 ss.), in which it was particularly proved, p. 216, that—via cessionis, quae Domino nostro proponitur,—quoad Concilium Pisanum, est irrationabilis et injusta, quia est reprobativa et annullativa ipsius Concilii Pisani. But the Card. Cameracensis answered (p. 220): Licet Concilium (Pisanum) fuerit legitime et canonice convocatum, rite et canonice celebratum, et duo olim contententes de Papatu juste et canonice condemnati, et electio Domini Alexandri V. fuerit canonice et rite facta,—prout haec omnia tenet Obedientia Domini nostri Papae Johannis XXIII.: tamen duae Obedientiae duorum contententium probabiliter tenent contrarium. In qua opinione diversa et adversa varietate non sunt minores difficultates juris et facti, quam ante Concilium Pisanum erant de iustitia duorum contententium. Ex quo sequitur secunda conclusio, quod, sicut ante Concilium Pisanum ad evitandum difficultates juris et facti, et prolixitatem, et dilationem pacis Ecclesiae, tunc acceptata fuit ab omnibus Christianis et laudata via cessionis amborum contententium, sic et nunc trium contententium de Papatu, similiter etiam majori ratione acceptanda est et laudanda.—Sexta conclusio: Licet regulariter Papa verus et canonicus, de haeresi aut nullo notorio crimine Ecclesiam scandalizante non infamatus, nec suspectus, neque ab aliquo particulari collegio, seu persona singulari contra ea quae sunt sui juris compelli vel arctari: tamen ab universali Ecclesia, seu Concilio generali ipsam repraesentante, attenta prolixitate casus praesentis, pro pace Ecclesiae celerius procuranda, juste posset ad cessionem compelli. Septima conclusio: Si in casu praedicto Papa dictam viam pertinaciter recusaret, legitime posset tanquam schismaticus et de fautoria schismatice pravitatis suspectus rationabiliter condemnari. The result of these negotiations was, p. 230: Et finaliter omnes declinarunt ad viam cessionis secundum formam primae schedulae super hoc datae per Cardinalem S. Marci. Viz. (v. d. Hardt, iv. ii. p. 41): Die 15. mensis Februarii Germanica, Gallica et Anglica nationes viam cessionis tanquam salubriorem ad unionem Ecclesiae conficiendam elegerunt, utque natio Italica eandem approbaret, impetrarunt.

<sup>5</sup> Theodoricus de Niem de Vita Jo. XXIII. lib. ii. cap. 3. (v. d. Hardt, ii. p. 891): Quibus sic stantibus (toward the middle of February, 1415) quidam, ut praesumitur, Italicus multos articulos valde famosos, et omnia peccata mortalia, necnon infinita quodammodo abominabilia continentes contra eundem Balthasarem in eodem Concilio exhibuit in scriptis, tamen secrete, quod super illis contra eundem Balthasarem fieret inquisitio, et provideretur instanter per Concilium memoratum. Quibus quidem articulis per aliquot majores nationum Germaniae, Angliae et Poloniae perlectis, ipsi nullatenus consentire volebant, quod dicti articuli publicarentur, aut contra ipsum Balthasarem inquisitio fieret hujusmodi super illos. Et hoc propter honestatem. Et si contrarium fieret, ut asserebant, per hoc macularetur sedes Apostolica, et confunderetur enormiter etiam omnes de obedientia dicti Balthasaris, et ponerentur in dubio promotiones et provisiones per ipsum factae, et multa scandala exinde subsequi possent. Plerisque etiam aliis nobilibus viris assentientibus et consulentibus, quod illa via inquisitionis fieret, quae compendiosa foret, et ipsi articuli, et contenta in eis, saltem pro majori parte essent notoria seu manifesta, et propterea modica vel nulla probatione indigerent. Quibus etiam interim clanculo et proditorie ad notitiam dicti Balthasaris deductis illico mente consternatus est, et coepit valde tremere et timere, ac etiam quosdam sibi secretos Cardinales—

deed, he withdrew, on 21st March, to Schaffhausen;<sup>6</sup> but by so doing he only gave an opportunity to the council, encouraged by the firmness of the Emperor, who was present in person, and by the powerful oratory of Gerson,<sup>7</sup> to assert in solemn decrees its own designs and its own dignity in contrast with the Papacy.<sup>8</sup>

consulere,—asserens, quod quaedam in ipsis articulis descripta tanquam homo peccando commisisset, et aliqua non. Et proposuit tunc in mente sua, prout et ore propalavit, quod ipsemet dictum Concilium vellet personaliter accedere, et quae de contentis in eisdem articulis perpetrasset, coram ipso Concilio in publico fateri, fundans se in hoc, quod Papa propter quodcumque delictum, ut dicebat, nisi propter haeresin, deponi non posset. —Cap. 4. Concilium autem, seu majores deputati in eodem, ignorantes, quod ipse Balthasar praedictos articulos sciret,—acceserunt ad eum, rogantes unanimiter, ut viam cessionis sui Papatus eligeret, ad hoc, quod alii contententes de Papatu illam similiter acceptarent, quia alias non viderent modum aptum, quod praefata unio fieret in universalis Ecclesia pro hac vice. Ad hoc ipse laeto animo, observata tamen, ex industria, quadam gravitate, respondit, se facturum quod peterent, dum tamen ipsi alii duo contententes idem facere vellent. Maluit enim illam viam per se, ut existimo, amplecti, quam praedicti articuli ad ejus dejectionem a Papatu admissi et probati fuissent. The first forms of the promise (v. d. Hardt, ii. p. 232), which John XXIII. offered, were not satisfactory to the council, because he promised to yield—non nisi aliis cedentibus, and—propter verba irritativa, quia alii vocantur condemnati de haeresi: at length he adopted, on the first of March, the following formula, and swore to it on the 2d March in the *Sessio generalis* II. (l: c. p. 240): Ego Johannes Papa XXIII. propter quietem populi Christiani profiteor, spondeo et promitto, juro et voveo Deo et Ecclesiae, ac huic sacro Concilio, sponte et libere dare pacem Christi Ecclesiae per viam meae simplicis cessionis, et eam facere et adimplere cum effectu juxta deliberationem praesentis Concilii, si et quando Petrus de Luna, Benedictus XIII., Angelus Corario, Gregorius XII. in suis obedientiis nuncupati, Papatui, quem praetendunt, per se vel procuratores suos, legitime cedant: et etiam in quocumque casu cessionis vel decessus, aut alio, in quo per meam cessionem poterit dari unio Ecclesiae Dei per exstirpationem praesentis schismatis. Though he was bound to issue *litterae testimoniales* on this point, he refused at first (Theod. de Niem, l. c.). However, on the 7th March he had a bull prepared in which that promise was incorporated word for word (see in v. d. Hardt, iv. ii. p. 53.).

<sup>6</sup> Theod. de Niem, ii. 7. The letters to the King of France, the Duke of Orleans, and the University of Paris, in which the Pope sought to justify his flight, on the plea that he was neither safe nor free at Constance, that the Emperor Sigismund conducted the council entirely according to his own will, and so on, may be seen in v. d. Hardt, ii. p. 253 ss. There are letters of the same kind to the King of Poland, the Dukes of Berri and Burgundy, in *Bourgeois du Chastenet*, Preuves p. 318; to the Duke of Orleans, in J. G. Schelhorn's *Ergötzlichkeiten aus der Kirchenhistorie u. Literatur*. Bd. i. a. 27, f. There are letters of defense from the council to the princes, in v. d. Hardt, iv. p. 108; to the King of France, *ibid.* p. 129; more fully in Schelhorn, *ibid.* s. 225. In the first we find, p. 111: Nos igitur, cum omnia diligenter pensamus, et maturo judicio deliberamus, nil aliud eundem (Papam) attentasse conspicimus, quam hujusmodi Concilii dissolutionem, utpote ad unionem Ecclesiae intendentis. And thus, according to Theod. de Niem, ii. 8, the cardinals of the Pope's party at Constance endeavored to spread the opinion, quod Concilium dissolutum esset propter absentiam et recessum dicti Balthasaris.

<sup>7</sup> See *Oratio Publica de Concilii Auctoritate*, delivered on March 23, in v. d. Hardt, ii. p. 265 ss. Gersonis *Opp.* ed. du Pin, t. ii. P. ii. p. 201 ss.

<sup>8</sup> *Sess. generalis* III. d. 26. Mart., *Decreta pro Concilii integritate et auctoritate post vicam Papae*, per Cardinalem Zabarellam praelecta (in v. d. Hardt, iv. p. 72): Ad honorem, laudem et gloriam sanctissimae Trinitatis, Patris et Filii et Spiritus Sancti, inque in terris hominibus bonae voluntatis divinitus promissam in Dei Ecclesia con-

## The process, immediately commenced against John XXIII., ended

sequendum, hæc sancta Synodus, sacrum generale Concilium Constantiense nuncupata, pro unione et reformatione dictæ Ecclesiæ in capite et in membris fienda, in Spiritu Sancto hic debite congregata, decernit, declarat, diffinit, et ordinat, ut sequitur: Et primo, quod ipsa Synodus fuit et est recta et rite convocata ad hunc locum civitatis Constantiensis, et similiter recte et rite initiata et celebrata. Item quod per recessum Domini nostri Papæ de hoc loco Constantiensi, vel etiam per recessum aliorum Praelatorum, seu aliorum quorumcunque, non est dissolutum hoc sacrum Concilium, sed remanet in sua integritate et auctoritate, etiamsi quæ ordinationes factæ essent in contrarium, vel fierent in futurum. Item quod istud sacrum concilium non debet dissolvi, nec dissolvatur usque ad perfectam extirpationem præsentis schismatis, et quousque Ecclesia sit reformata in fide et in moribus, in capite et in membris. Item quod ipsum sacrum Concilium non transferatur ad alium locum, nisi ex causa rationabili, et de consilio hujus sacri Concilii deliberanda et concludenda. Item quod Praelati et alii, qui debent interesse huic Concilio, non recedant ab hoc loco ante finitum Concilium, nisi ex causa rationabili, examinanda per deputatos seu deputandos ab hoc sacro Concilio. Quæ causa examinata et approbata possint recedere cum licentia ejus vel illorum, qui habeat vel habebunt auctoritatem. Et tunc recedens teneatur dimittere potestatem suam aliis remanentibus sub poenis juris et aliis per hoc sacrum Concilium indicendis et contra eos exequendis. Still more important resolutions were immediately after adopted by the nations. The cardinals wished for several omissions, and although the nations refused to yield (v. d. Hardt, iv. p. 81 ss.), yet the Cardinal Florentinus (Zabarella) published the resolutions with these omissions in the fourth solemn general session March 30; see l. c. p. 89. General dissatisfaction with the cardinals was caused by this action (l. c. p. 92); compare the violent invective of Benedictus Gentianus, representative of the University of Paris, against them, in v. d. Hardt, ii. p. 279. It was determined, with general assent, that the decree should be repeated unmutated in the fifth general session April 6; see v. d. Hardt, ii. p. 98 (the part omitted by Zabarella is printed in Italics): In nomine sanctæ et individuæ Trinitatis, Patris et Filii et Spiritus Sancti, Amen. Hæc sancta Synodus Constantiensis, generale Concilium faciens, pro extirpatione præsentis schismatis, et unione ac reformatione Ecclesiæ Dei in capite et in membris fienda, ad laudem omnipotentis Dei in Spiritu Sancto legitime congregata, ad consequendum facilius, securius, uberius, et liberius unionem ac reformationem Ecclesiæ Dei, ordinat, diffinit, statuit, decernit et declarat, ut sequitur. Et primo declarat, quod ipsa in Spiritu Sancto legitime congregata, generale Concilium faciens, et Ecclesiam Catholicam militantem repræsentans, potestatem a Christo immediate habet, cui quilibet, cujuscunque status, vel dignitatis, etiamsi papalis, existat, obedire tenetur in his, qua pertinent ad fidem et extirpationem dicti schismatis, ac generalem reformationem Ecclesiæ Dei in capite et in membris. Item declarat, quod quicumque, cujuscunque conditionis, status, vel dignitatis, etiamsi papalis, existat, qui mandatis, statutis seu ordinationibus, aut præceptis hujus sanctæ Synodi et cujuscunque alterius Concilii generalis legitime congregati, super præmissis seu ad ea pertinentibus, factis vel faciendis obedire contumaciter contempserit, nisi resipuerit, condignæ poenitentiae subjiciatur, et debite puniatur, etiam ad alia juris subsidia, si opus fuerit, recurrendo. Item diffinit et ordinat sancta Synodus, quod Dominus Johannes XXIII. Romanam Curiam et Officia publica, illius seu illorum Officiarios de hac civitate Constantiensi ad alium locum non mutet aut transferat, seu personas dicatorum officiariorum ad sequendum eum directe vel indirecte cogat, sine deliberatione et consensu ipsius a. Synodi.—Item ordinat et diffinit, quod omnes et singulæ translationes Praelatorum, necnon privationes eorundem aut aliorum beneficiatorum, officialium, administratorum, quarumcunque commendarum ac donationum revocationes, monitiones, censuræ ecclesiasticæ, processus, sententias, et quæcunque acta, gesta, gerenda, agenda aut fienda per præfatum Dominum Johannem Papam, aut suos officarios vel commissarios in læsionem dicti Concilii seu adhaerentium eidem, a tempore inchoationis ejusdem Concilii—facta seu facienda,—auctoritate hujus sacri Concilii ipso facto sint nulla, cassa, irrita et inania.—Item declarat, quod idem Johannes Papa XXIII., et omnes

with the sentence of his deposition on the 29th May, 1415;<sup>9</sup> Greg-

*Praelati, ac alii ad hoc sacrum Concilium vocati, et alii in eodem Concilio existentes, in plenaria libertate fuerunt et existunt, ut visum est dicto sacro Concilio, nec ad notitiam dictorum vocatorum seu dicti Concilii contrarium deductum est. Et hoc testificatur dictum sacrum Concilium coram Deo et hominibus.* Among these decrees, the first of the fifth session has always been particularly offensive to the ultramontanes. So they denied its validity, Card. Cajetanus, De Auctoritate Papae et Concilii, Bellarminus, De Conciliis et Ecclesia, lib. ii. c. 19, Andreas Vallius, De Suprema Potest. Papae, p. iv. q. 7; on the other hand, the Gallicans maintained its validity; see Richerii Hist. Conciliorum, lib. ii. c. 3, § 7. After the Gallican clergy, in their famous propositions of 1682, had declared,—*nec probari a Gallicana Ecclesia, qui eorum decretorum, quasi dubiae sint auctoritatis ac minus approbata, robur infringant aut ad solum schismatis tempus Concilii dicta detorqueant*, there appeared the work of Emanuel a Schelstraten, viz., *Acta Constantiensis Concilii ad expositionem decretorum ejus sessionum quartae et quintae facientia, nunc primum ex Codd. MSS. in lucem eruta ac dissertatione illustrata*, Antwerp. 1688. 4, in which not only are the earlier subterfuges repeated, but it is also asserted that the first decree of the fourth session was interpolated by the Council of Basle, which, it was alleged, collected the acts of the Council of Constance first in 1442; and that the genuine decree only read—in his quae pertinent ad extirpationem dicti schismatis; and, further, that the decrees of the fifth session were drawn up without sufficient deliberation, and without the consent of all. On the contrary side are the Gallicans, Louis Maimbourg in his *Traité Hist. de l'Établissement et des Prérégatives de l'église de Rome et de ses Evêques*, Paris, 1685, 12. c. 23-25; Du Pin, *De Antiqua Eccl. Disciplina.*, cap. vi. § 6; Natalis Alexander *Hist. Eccl. Saec. xv. et xvi. Diss. 4.* After v. d. Hardt had published more exact reports of the deliberations of the congregations, Schelstraten's assertion was seen to be officially refuted.

<sup>9</sup> In Sess. VI. 17th April, 1415, the council consented to the project of a *Procuratorium super renunciatione Papatu*, to be executed by John XXIII. (v. d. Hardt, iv. p. 114), by virtue of which the *Procuratores* to be nominated by him should be legally authorized to make renunciation in his stead, under the conditions sworn to by himself, with the definite statement: *Et si quovismodo contingeret, hujusmodi procuratorium seu procuratores nos recovare,—impugnare, etc., ex nunc prout ex tunc ipsi Papatui cedimus et renunciamus ipso facto, et deinceps pro non Papa haberi—volumus.* When the Pope refused to execute this *Procuratorium* thus set before him, in the Sess. Gen. VII., May 2, a citation ensued (l. c. p. 143); in the Sess. Gen. X., May 14, suspension (l. c. p. 183); and, after seventy *Articuli* (l. c. p. 196), several of which, however, were not read in public because of their scandalous contents (p. 237, 247), had been proved by witnesses (p. 253), in the Sess. Gen. XII., May 29, the *Sententia depositionis* (l. c. p. 280), in which the synod declared, recessum per—*Johannem Papam XXIII. ab hac civitate Constantiensi—clandestine—factum fuisse et esse illicitum, Ecclesiae Dei et dicto Concilio notorie scandalosum, pacis et unionis ipsius Ecclesiae turbativum et impeditivum, schismatis inveterati nutritivum, a voto, promissione et juramento per ipsum Dominum Johannem Papa Deo, et Ecclesiae, ac huic sacro Concilio praestitis deviativum; ipsamque Dominum Johannem Papam Simoniacum notorium, bonorumque et jurium, nedum Romanae, sed aliarum Ecclesiarum—dilapidatorem notorium, malumque spiritualium et temporaliu[m] Ecclesiae administratorem et dispensatorem fuisse et esse, suis detestabilibus inonestisque vita et moribus Ecclesiam Dei et populum Christianum notorie scandalisatam;—postque monitiones debitas et charitativas, iteratis et crebris vicibus eidem factas, in praemissis malis pertinaciter perseverasse, seque ex hoc notorie incorrigibilem reddidisse: ipsumque—tanquam indignum, inutilem, et damnosum a Papatu—amovendum, privandum et deponendum fore. Et eum dicta sancta Synodus amovet, privat et deponit, universos et singulos Christicolos, cujuscunque status, dignitatis, vel conditionis existant, ab ejus obedientia, fidelitate et juramento absolutos declarando.—Eumque ad standum et morandam in aliquo loco bono et honesto sub custodia tuta Serenissimi Principis Domini Sigismundi, Romanorum et Hungariae Regis,—nomine dicti sacri*

ory XII. resigned voluntarily on the 4th July.<sup>10</sup> Only Benedict XIII. remained immovable. Although the kingdom of Spain renounced his obedience on the 6th January, 1416, and united itself in October to the council as the fifth nation, still all attempts at a compromise with him were vain, and he himself gave no heed to the sentence of deposition pronounced against him by the council, 26th July, 1417.<sup>11</sup> However, as his *obedience* was restricted to the small town of Peniscola in Valencia, there was no need of taking any further notice of him.<sup>12</sup>

The Emperor Sigismund and the Germans, supported at first by the English, taking warning from the Council of Pisa, now desired that the proposed reformation<sup>13</sup> should be taken in hand

Concilii generalis, quamdiu dicto sacro generali Concilio pro bono unionis Ecclesiae Dei videbitur, condemnandum fore, et eadem sententia condemnat. Alias vero poenas, quae pro dictis criminibus et excessibus inferri deberent juxta canonicas sanctiones, dictum Concilium arbitrio suo reservat declarandas et infligendas secundum quod rigor justitiae vel misericordiae ratio suadebit.

<sup>10</sup> Sess. Gen. XIV. in v. d. Hardt, iv. p. 846 ss. He was thereupon appointed by the council Cardinal Legate of the March of Ancona (l. c. p. 474). Cf. Theodorici de Niem liber iii., De Fatis Constantiensibus reliquorum duorum Pontificum Gregorii XII. et Petri de Luna, aliisque negotiis in Concilio, remoto Balthasare, incidentibus, in v. d. Hardt, ii. p. 409 ss.

<sup>11</sup> Theod. de Niem, l. c. The negotiations with him of the Emperor Sigismund, who went to Spain for the purpose in September, 1415, may be seen in v. d. Hardt, ii. p. 484 ss. The doings of the council against him may be found scattered in v. d. Hardt, iv. The sentence of deposition, Sess. XXXVII., July 26, in v. d. Hardt, iv. p. 1878, designates him as—perjurum, universalis Ecclesiae scandalizatorem, fautorem et nutritorem inveterati schismatis,—et haeticum a fide devium, et articuli fidei *Unam sanctam catholicam Ecclesiam* violatorem pertinacem, cum scandalo Ecclesiae Dei incorrigibilem, notorium et manifestum. According to Jo. Niderus (a Dominican at Basle and Vienna, † 1438), De Visionibus ac Revelationibus (or Formicarius) ed v. d. Hardt, Helmstadii, 1692. 8. lib. iii. c. 1., Benedict had received a prophecy from a certain abbot, quod plura passurus esset ab adversariis, quod obsideri deberet,—sed tandem Romam iturus esset, et in unione Ecclesiae ibidem, adepta pacifica possessione et sedato schismate, quieturus.—In praedictam prophetiam fatne confidens remotus a Papatu obdire reuit, in munitiunculam fugit, et tandem in exilio, pertinax in sua opinione, vitam nec Romae, nec in pace, sed in miseria finivit.

<sup>12</sup> Benedict XIII. died in 1424. He left behind him four cardinals, three of whom elected a Clement VIII., the fourth a Benedict XIV. Clement VIII. was obliged to abdicate at a council in Tortosa, A.D. 1429.

<sup>13</sup> On the necessity for reform see Petri de Alliaco Canones Reformandi Ecclesiam in Conc. Constantiensis, presented to the council on 1st November, 1416 (in v. d. Hardt, I. viii. p. 409), in *Praefat.*: Quae Ecclesiae reformatio quam necessaria olim fuerit, et amplius modo sit, evidenter ostendit defenda ipsius deformatio. De qua lamentabiliter conquirebatur b. Bernhardus, serm. xxxiii. super Cant. (compare vol. ii. § 65, note 10).—Si haec a b. Bernardo dicta sunt, nunc multo magis dici possunt. Quia ex eo Ecclesia de malis ad pejora processit, et in omni tam spirituali quam saeculari statu abjecto decore virtutum in variam cecidit turpitudinem vitiorum.—Hoc autem Deus misericordissimus, qui solus ex malis bona novit elicere, ideo permittere credendus est, ut eorum occasio Ecclesia sua in melius reformetur. *Quod nisi celeriter fiat, audeo dicere, quod, licet mag-*



before the election of a new Pope. But the cardinals and the rest of the nations were so urgent in their opposition to this measure,<sup>14</sup> that the council was satisfied with framing some few reformatory decrees,<sup>15</sup> and with recommending the other subjects for reform

*na sint quae videmus, tamen brevi incomparabiliter majora videbimus, et post ista tonitrus tam horrenda, alia horribiliora in proximo audiemus.* Eapropter summopere vigilandum est circa reformationem Ecclesiae. In order to prepare for this reformation, in the Sess. XIII., 15th June, 1415 (v. d. Hardt, iv. p. 335), a committee, consisting of four cardinals and deputies of the nations, was appointed as a *Reformatorium*; v. d. Hardt, I. x. p. 583 ss., has published their remarkable protocol.

<sup>14</sup> V. d. Hardt, iv. p. 1394 ss.

<sup>15</sup> Decrees of the Sessio Gen. XXXIX., 9th October, 1417, in v. d. Hardt, iv. p. 1435: I. *De Conciliis generalibus*: Frequens generalium conciliorum celebratio agri Domini praecipua cultura est, quae vepres, spinas et tribulos haeresium, errorum et schismatum extirpat, excessus corrigit, deformata reformat, et viam Domini ad frugem uberrimae fertilitatis adducit: illorum vero neglectus praemiassa disseminat atque fovet.—Propter hoc edicto perpetuo sancimus,—ut amodo concilia generalia celebrentur, ita quod primum a fine hujus Concilii in quinquennium immediate sequens, secundum vero a fine illius immediate sequentis Concilii in septennium, et deinceps de decennio in decennium perpetuo celebrentur in locis, quae summus Pontifex per mensem ante finem cujuslibet Concilii, approbante et consentiente Concilio, vel in ejus defectu ipsum Concilium deputare et assignare teneatur; ut sic per quandam continuationem semper aut Concilium vigeat, aut per termini pendentiam exspectetur.—II. *Provisio adversus futura schismata praecedenda*: Si vero, quod absit, in futurum schisma oriri contingeret,—ipso jure terminus Concilii tunc forte ultra annum pendens ad annum proximum breviatus.—Et quilibet ipsorum se pro Romano Pontifice gerentium infra mensem, a die qua scientiam habere potuit, alium vel alios assumisissae Papatus insignia,—teneatur sub intimatione maledictionis aeternae et amissione juris, si quod forte sibi quaesitum esset in Papatu,—Concilium ipsum ad terminum anni praedictum in loco prius deputato celebrandum indicere et publicare, et per suas literas competitoribus—et caeteris Praelatis ac Principibus—intimare, necnon termino praefixo—ad locum Concilii personaliter se transferre, nec inde discedere, donec per Concilium causa schismatis plenarie sit finita. Hoc adjuncto quod nullus ipsorum contententium de Papatu in ipso Concilio ut Papa praesideat: quinimo—sint ipsi omnes de Papatu contententes, postquam dictum Concilium inceptum fuerit, auctoritate hujus sacrae synodi ipso jure ab omni administratione suspensi.—Quod si forte electionem Romani Pontificis per metum, qui caderet in constantem, seu impressionem de cetero fieri contingat, ipsam nullius decernimus efficaciae vel momenti, nec posse per sequentem consensum, etiam metu praedicto cessante, ratificari vel approbari. Non tamen liceat Cardinalibus ad aliam electionem procedere, nisi ille, qui fuit electus, forte renunciet, vel decedat, donec per generale Concilium de electione illa fuerit judicatum. Et si procedant, nulla sit electio.—Sed—teneantur electores omnes—quam cito sine periculo personarum poterunt—se transferre ad locum tutum, et metum praedictam allegare coram Notariis publicis, et notabilibus personis ac multitudine populi in loco insigni.—Teneantur insuper—provocare sic electum ad Concilium.—III. *De professione facienda per Papam.* IV. *Ne Praelati transferantur invito.* V. *De spoliis et procuratoribus.* Cum per Papam facta reservatio et exactio et perceptio procuratorum Ordinarius et aliis inferioribus Praelatis debitarum ratione visitationis, necnon et spoliatorum decedentium Praelatorum, aliorumque clericorum, gravia Ecclesiis, Monasteriis, et aliis beneficiis ecclesiasticisque personis afferant detrimenta: praesenti declaramus edicto, rationi fore consentaneum, ac reipublicae accommodum, tales per Papam reservationes ac—exactiones seu perceptiones de cetero nullo modo fieri seu attentari. Quinimo procuraciones hujusmodi, et quorumcunque Praelatorum—in Curia Romana vel extra—decidentium spolia, seu bona eorum mortis tempore reperta, plane et libere pertineant illis,

in general intimations to the future pontiff.<sup>16</sup> Otto Colonna was then elected Pope, on 11th November, 1417, under the name of Martin V. The results justified the fears of the Germans. The feeble glimmer of the council grew pale before the splendor of the new Pope, the first for a long time who had been universally acknowledged; and the Papal monarchy was again immediately elevated without opposition above all the limits which the ecclesiastical aristocracy meant to have imposed upon it. The rules in chancery which Martin V. caused to be prepared immediately after his election were but slightly different from those of former popes, about which there had been so much complaint.<sup>17</sup> The proposals for reformation which he set forth did not by any means correspond with the expectations.<sup>18</sup> But the strength and unity

—quibus alias, praefatis reservationibus mandatis et exactionibus cessantibus competere ac pertinere deberent. Praelatis etiam inferioribus et aliis hujusmodi spoliis exactiones praeter et contra juris communis formam fieri interdicimus.

<sup>16</sup> Sessio Gen. XL., 30th October, 1417 (v. d. Hardt, iv. p. 1452): Sacrosancta synodus Constantiensis statuit et decernit, quod futurus summus Pontifex per Dei gratiam de proximo assumendus, cum hoc sacro Concilio vel deputandis per singulas nationes debeat reformare Ecclesiam in capite et Curia Romana secundum aequitatem et bonum regimen Ecclesiae, antequam hoc sacrum Concilium dissolvatur, super materiis articulorum, alias per nationes in Reformatoris oblatorum, qui sequuntur. 1. Primo de numero, qualitate et natione Dominorum Cardinalium. 2. Item de reservationibus sedis Apostolicae. 3. Item de annatis, communibus servitiis, et minutis. 4. Item de collationibus beneficiorum, et gratis expectativis. 5. Item de causis in Romana Curia tractandis, vel non. 6. Item de appellationibus ad Romanam Curiam. 7. Item de officiis Cancellariae et Poenitentiariae. 8. Item de exemptionibus et incorporationibus tempore schismatis factis. 9. Item de commendis. 10. Item de confirmationibus electionum. 11. Item de fructibus medii temporis. 12. Item de non alienandis bonis Romanae Ecclesiae et aliarum Ecclesiarum. 13. Item propter quae, et quomodo Papa possit corrigi vel deponi. 14. Item de exstirpatione Simoniae. 15. Item de dispensationibus. 16. Item de provisione Papae et Cardinalium. 17. Item de indulgentiis. 18. Item de decimis. Hoc adjecto, quod facta per nationes deputatione praedicta liceat aliis de Papae licentia libere ad propria remeare.

<sup>17</sup> Martini, P. V. Regulae Cancellariae, die 12. November, 1417, a Johanne Ostiensi Cardinale conscriptae et d. 26th February, 1418, publicatae, in v. d. Hardt, i. xxi. p. 965 ss.

<sup>18</sup> In the beginning of the year 1418 the German nation presented *Avisamenta Nationis Germanicae super articulis juxta decretum Concilii, reformandis, exhibenda Domino nostro sanctissimo* (v. d. Hardt, i. xxii. p. 999 ss.). Toward the end of January came the *Responsio Dom. P. Martini super reformatione capitulorum, in Concilio per decretum statutorum, per modum Avisamenti data Nationibus* (l. c. p. 1021 ss.), the concessions of which fell far short of the requisitions made. With reference to Art. xiii. the proposal of the German nation (l. c. p. 1008) was: Super decimo tertio articulo videtur, quod summus Pontifex non solum de haeresi, sed etiam de simonia notoria tam circa sacramenta, quam circa beneficia ecclesiastica, et quolibet alio notorio crimine gravi, Ecclesiam universalem notorie scandalizante, de quo canonice monitus incorrigibilis extiterit, per generale Concilium puniri valeat, ac deponi etiam de Papatu. Item videtur, quod sanctissimus Dominus noster sacro approbante Concilio specialem constitutionem super hoc,

of the council were already so much broken, that the Pope was able to adjust the most critical points of reformation by concordats with the separate nations;<sup>19</sup> and thus a few general decrees for

quod praemittitur, declaratoriam debeat promulgare, et insuper declarare, quod nedum circa sacramenta, sed etiam circa beneficia ecclesiastica conventionem seu pactionem pecuniariam per se vel alium faciendo crimen pravitatis Simoniacae non evadat (compare vol. iii. § 101, note 29). In the Pope's *Responsio* we find on this head (l. c. p. 1032): Art. xiii. : *Propter quae et quomodo Papa possit corrigi et deponi*. Non videtur, proat nec visum fuit in pluribus nationibus, circa hoc aliquid novum statui vel decerni.

<sup>19</sup> Germanicae Nationis et Martini V. Papae Concordata, published 2d May, 1418 (in v. d. Hardt, i. p. 1055. E. Münch's vollständige Sammlung aller ältern und neuern Konkordate. Th. i. s. 20 ff.). Cap. 1. *De numero et qualitate Cardinalium, et eorum creatione*. Statuimus, ut deinceps numeros Cardinalium S. Romanae Ecclesiae adeo sit moderatus, quod non sit gravis Ecclesiae. Qui de omnibus partibus Christianitatis proportionaliter, quantum fieri poterit, assumantur, ut notitia causarum et negotiorum in Ecclesia emergentium facilius haberi possit, et aequalitas regionum in honoribus ecclesiasticis observetur; sic tamen, quod numerum xxiv. non excedant, nisi pro honore nationum, quae Cardinalem non habent, unus vel duo pro semel de consilio et assensu Cardinalium assumendi viderentur. Sint autem viri in scientia, moribus et rerum experientia excellentes, Doctores in theologia, aut in jure canonico vel civili, praeter admodum paucos, qui de stirpe regia vel ducali, aut magni Principis oriundi existant, in quibus competens literatura sufficiat: non fratres, aut nepotes ex fratre vel sorore, alicujus Cardinalis viventis: nec de uno Ordine Mendicantium ultra unum: non corpore vitiat, nec alicujus criminis vel infamiae nota respersi. Nec fiat eorum electio per auctoritaria vota solummodo, sed etiam cum consilio Cardinalium collegialiter, sicut in promotione Episcoporum fieri consuevit. Qui modus etiam observetur, quando aliquis ex Cardinalibus in Episcopum assumetur. Cap. 2. *De provisione Ecclesiarum, Monasteriorum, etc.* Sanctissimus Dominus noster Papa, Martinus V., super provisionibus Ecclesiarum, Monasteriorum et beneficiorum quorumcunque utetur reservationibus juris scripti, et constitutionis *Execrabilis* et *Ad regimen* (see vol. iii. § 101, note 10 and 16) modificatae. The Pope accordingly reserved to himself the occupation of all benefices becoming vacant in *Curia*, and thus of all those the incumbents of which were members of the *Papal Curia*, or were deposed or translated by the Pope, and those to which an appointment had been made but annulled by the Pope. The Pope was also to make provision when the election was not made within the proper time. The *majores dignitates* in the chapters were to be filled up by the election of the chapters, the other stalls alternately by the Pope and those to whom the nomination belonged. A sixth part of the canonries was to be filled up with graduates only, all parish churches likewise with 2000 communicants and more. Cap. 3. *De Annatis*. De Ecclesiis et Monasteriis virorum duntaxat vacantibus et vacaturis solventur pro fructibus primi anni a die vacationis summae pecuniarum in libris Camerae Apostolicae taxatae, quae communia servitibus nuncupantur. Si quae vero excessive taxatae sunt, juste retaxentur.—Taxae autem praedictae pro media parte infra annum a die habitae possessionis pacificae totius vel majoris partis solventur, et pro media parte alia infra sequentem annum. Et si infra annum bis vel pluries vacaverit, semel tantum solvetur.—De ceteris autem dignitatibus—quibuscunque, quae auctoritate sedis Apostolicae conferentur,—solvatur annata seu medii fructus juxta taxam solitam tempore immissionis infra annum. Et debitum hujusmodi in successorem in beneficio non transeat. De beneficiis vero, quae valore xxiv. florenorum de camera non excedunt, nihil solvatur. Cap. 4. *De causis tractandis in Romana Curia necne*.—Nullae causae in Romana Curia committantur, nisi quae de jure et natura causae in Romana Curia tractari debent.—Caeterae committantur in partibus. Nisi forte pro causae et personarum qualitate, in commissione exprimentis, illas tractare in Curia expediret pro justitia consequenda, vel de partium consensu in curia tractentur. Cap. 5. *De Commendis*. Ordinatus Dominus noster Papa, quod impos-

reform<sup>20</sup> were sufficient to obtain from the council an approval of

terum Monasteria aut magni Prioratus conventuales habentes ultra decem religiosos, et officia claustralia, dignitates majores post pontificales in cathedralibus, sive Ecclesiae parochiales, nulli Praelato, etiam Cardinali, dentur in commendam.—Una etiam Ecclesia metropolitana uni Cardinali vel Patriarchae concedi poterit, provisionem aliam sufficientiorem non habenti. Cap. 6. *De Simonia in foro conscientiae providetur.* Every clerical person was to choose for himself a graduate, or a man otherwise approved for discretion, as his father confessor, who, within the next three months, should absolve him from—simonia active vel passive commissa, and who could remove all the ecclesiastical disabilities resulting from it. Cap. 7. *De non vitandis excommunicationis, antequam per judicem fuerint declarati et denunciati.* Cap. 8. *De dispensationibus.* Ordinatus etiam Dominus noster, ad Ecclesias cathedrales, Monasteria, Prioratus conventuales, et parochiales Ecclesias super defectum aetatis ultra triennium nullatenus dispensare: nisi forte in Ecclesiis cathedralibus ex ardua et evidenti causa, de consilio Cardinalium—videretur aliter dispensandum. Item Dominus noster in arduis et gravibus casibus sine consilio Cardinalium non intendit dispensare. Cap. 9. *De provisione Papae et Cardinalium.* Romano Pontifici et s. Romanae Ecclesiae Cardinalibus pro illorum sustentatione, rebus Romanae Ecclesiae stantibus ut sunt, non videtur aliter posse provideri, quam hucusque factum est, scilicet per beneficia et communia servitia, quae vacantiae nuncupantur. Here the definitions of cap. 5 are repeated. Cardinalis de proventibus ecclesiasticis non habeat ultra valorem sex millium florenorum. Cap. 10. *De indulgentiis.* Cavebit Dominus noster Papa in futurum nimiam indulgentiarum effusionem, ne vilescant. Et in praeteritum concessas ab obitu Gregorii XI. ad instar alterius indulgentiae revocat et annullat. Cap. 11. *De horum Concordatorum valore.* Item sanctissimus Dominus noster Papa et inclita natio Germanorum consenserunt et protestati sunt, quod omnia et singula supradicta durare et tolerari debeant usque ad quinquennium duntaxat a data praesentium numerandum;—quodque per observantiam illorum nullum jus novum Romano Pontifici, aut alicui alteri Ecclesiae vel personae acquiratur seu praedictum generetur, sed lapsa dicto quinquennio quaelibet Ecclesia et persona praedicta liberam facultatem habeat utendi quolibet jure suo. The concordat with the French (v. d. Hardt, iv. p. 1566 ss.), in which, however, a reservation was made for the King's consent, was likewise published on the 2d May, 1418, and in most of its divisions exactly corresponds with the concordat of the Germans, only here the Pope remitted half the Annates for the next four years; on the other hand: Circa articulum indulgentiarum habita deliberatione matura nihil intendimus circa eas immutare seu ordinare. The concordat with the English was not concluded till the 12th July; see in v. d. Hardt, 1. p. 1079 ss.

<sup>20</sup> Sess. Gen. XLIII., 21st March, 1418, the following decrees were published (v. d. Hardt, iv. p. 1535): 1. *De Exemptionibus* (beginning, *Attendentes*). 2. *De unionibus et incorporationibus*, whereby all exemptions, unions, and incorporations made since the death of Gregory XI., were revoked with few exceptions. 3. *De fructibus medii temporis.* Item fructus et proventus Ecclesiarum, Monasteriorum et Beneficiorum, vacationis tempore obvientes, juris et consuetudinis vel privilegii dispositioni relinquimus, illosque nobis vel Apostolicae Camerae prohibemus applicari. 4. *De Simoniaciis*:—Ordinati simoniace ab executione suorum Ordinum sint eo ipso suspensi:—quaevis provisiones simoniacae—nullae sint ipso jure:—dantes et recipientes eo ipso facto sententiam excommunicationis incurrant. 5. *De dispensationibus.* An abrogation of the Papal dispensations which were granted to persons appointed to ecclesiastical offices, quibus certus Ordo debitus est, ne debitos aut annexos Ordines suscipiant. 6. *De decimis et aliis oneribus.* Praecipimus et mandamus, jura, quae prohibent inferioribus a Papa decimas et alia onera Ecclesiis et personis ecclesiasticis imponi, districtius observari. Per nos autem nullatenus imponentur generaliter super totum Clerum, nisi ex magna et ardua causa et utilitate universalem Ecclesiam concernente, et de consilio, et consensu et subscriptione fratrum nostrorum S. R. E. Cardinalium, et Praelatorum, quorum consilium commode haberi poterit: nec specialiter in aliquo regno vel provincia inconsultis Praelatis illius regni vel provinciae et ipsis non consentientibus, vel eorum majori parte, et eo casu per per-

what had been done as being a satisfactory reformation.<sup>21</sup> However, in the midst of these transactions, not only did the Pope allow himself to grant ecclesiastical tithes to the Emperor Sigismund, notwithstanding all the outcry which had been raised against this kind of church oppression,<sup>22</sup> but he even ventured, in direct opposition to an express principle of the council, to pronounce all appeals from the Pope to a general council inadmissible, when the Poles in their controversy with John of Falckenberg put in such an appeal.<sup>23</sup> Thus the council became so unlike itself, that its

sonas ecclesiasticas et auctoritate apostolica duntaxat leventur. 7. *De vita et honestate Clericorum*, against the worldly pomp of the clergy.

<sup>21</sup> The last papal decree in its forty-third Session was (l. c. p. 1540), *Decernimus et declaramus sacro approbante Concilio, per decreta, statuta et ordinata, tam lecta in praesenti sessione, quam concordata cum singulis nationibus ejusdem Concilii, —huic sacro Concilio super articulis contentis in decreto super fienda reformatione, die sabbati xxx. mensis Oct. proxime praeteriti promulgato (see note 16) fuisse et esse jam satisfactum.* Thereupon the Cardinal Bishop of Ostia replied: *De mandato nationum respondeo, quod placent nationibus decreta recitata, et cuilibet nationi placet Concordia cum ipsa per Dominum nostrum facta. Et per praemissa fatentur, decreto etiam jam esse satisfactum, non intendentes propterea, quod concordata cum una natione in aliquo alteri nationi afferant praepjudicium.*

<sup>22</sup> The *Literae gratiosae* from the Pope to the Emperor, dd. 7. Cal. Februar. 1418, in v. d. Hardt, ii. p. 589 ss. *Dum praeclara devotionis et fidei Tuae Serenitatis merita, quibus erga Deum et universalem Ecclesiam sanctam suam gloriosissime, praesertim circa unionem ejusdem Ecclesiae—per multa jam tempora curis vigilibus et continuis—mirifice claruisti,—pensamus; —inducimur non indigne, ut in releuationem onerum et expensarum, quae pro consecutione unionis hujusmodi, nonnulla regna partesque terrarum orbis varias peragrando, Tua Serenitas subiit hactenus, nec subire desinit incessanter, Tua Celsitudo nostram et apostolicae sedis gratiam sibi mirificam sentiat ac super alicujus subventorio auxilio liberalem. Hinc est, quod Nos—una cum ven. fratribus nostris S. R. E. Cardinalibus super his deliberatione praehabita, ac de ipsorum consilio, nec non ven. fratrum nostrorum Archiepiscoporum, Episcoporum, et dilectorum filiorum Electorum, Administratorum, necnon Abbatum et aliorum de natione Germanica percepto beneplacito voluntatis, ac etiam praedecessorum nostrorum, Romanorum Pontificum,—circa hoc vestigiis inhaerentes, Decimam integram unius anni omnium reddituum et proventuum ecclesiasticorum in provinciis—nationis Germanicae, totius provinciae Treverensis, necnon Basileensis et Leodiensis civitatum et dioecesium sub Romano Imperio consistentium,—Serenitati Tuae—assignamus. At the same time he appointed three bishops to be commissioners, to collect this tithe by spiritual and secular means (l. c. p. 592 ss.). Seven German Churches remonstrated before the council against this proceeding, by the mouth of the Florentine jurist Dominicus de Germiniano; and he, in his *Repudium Decimarum* (l. c. p. 608), first took the position, quia haec impositio decimae concessa est non consentientibus Praelatis nationis Almaniae, vel saltem majori parte ipsorum, imo inconsultis procuratoribus Cleri dictarum septem Ecclesiarum in Concilio Constantiensi existentibus. Quod tamen fieri non potuit juxta constitutionem Domini nostri Papae (see note 20, 6).—Item ad ejus levationem invocatur auxilium brachii saecularis. Et sic contra dictam constitutionem, etc. However, at the end he only moves for a milder method of collecting the tithe.*

<sup>23</sup> Compare vol. iii. § 118, note 11. Jo. Garsonii, *Tract. quomodo et an liceat in Casibus Fidei a summo Pontifice appellare* (Opp. II. ii. p. 308 ss.): *Quaeritur utrum haec assertio sit catholica:—Nulli fas est a supremo judice, videlicet Apostolica Sede, seu Romano*

dissolution, which followed soon after (Sess. XLV., 22d April, 1418),<sup>24</sup> could be no cause for regret, so little had it done to fulfill the hopes of the people.<sup>25</sup>

*Pontifice, Jesu Christi Vicario in terris, appellare, aut illius iudicium in causis fidei, quae tanquam majores ad ipsum et Sedem Apostolicam deferendae sunt, declinare? Arguitur quod sic, auctoritate sanctissimi Domini Martini Papae V. in sua Constitutione ad perpetuam rei memoriam facta, et promulgata in Consistorio generali celebrato Constantiae 6. Idus Martii Pontificatus sui anno primo (10th March, 1418), ubi reperitur haec assertio, sicut dicitur. In the Dialogus Apologeticus pro condemnatione propositionum Jo. Parvi (l. c. p. 390), Gerson stigmatizes this papal bull as, destruens fundamentale penitus robr, nedum Pisani, sed Constantiensis Concilii, et eorum omnium, quae in eis, praesertim super electione Summi Pontificis, et intrusorum ejectione, attentata factave sunt.*

<sup>24</sup> Sess. XLIV., 19th April, 1418, the Pope issued the decree (v. d. Hardt, iv. p. 1546): Cupientes et etiam volentes decreto hujus sacri generalis Concilii satisfacere, inter alia disponenti, quod omnimode generalia Concilia celebrentur in loco, quem summus Pontifex per mensem ante finem hujus Concilii, approbante et consentiente Concilio, deputare et assignare teneatur (see note 15, l.); pro loco dicti proxime futuri Concilii, celebrandi a fine praesentis Concilii supradicti [in quinquennium], eodem consentiente et approbante Concilio civitatem *Papiensem* tenore praesentium deputamus. The bull of dissolution which followed in Sess. XLV., and guaranteed—omnibus et singulis, qui in hoc sacro Concilio et causa ipsius interfuerunt, absolutionem plenariam omnium peccatorum, semel in vita et in mortis articulo, may be seen l. c. 1559. The Pope had already issued his approval of the decrees of the council, in the bull of condemnation against Wycliff and Huss, *Inter cunctas*, dd. 22. February, 1418, among the questions which he ordered to be propounded to a person suspected of heresy (l. c. p. 1527): *Item utrum credat, teneat et asserat, quod quodlibet Concilium generale, et etiam Constantiense, universalem Ecclesiam repraesentet. Item utrum credat, quod illud, quod sacrum Concilium Constantiense, universalem Ecclesiam repraesentans, approbavit et approbat in favorem fidei et salutem animarum, quod hoc est ab universis Christifidelibus approbandum et tenendum: et quod condemnavit et condemnat esse fidei vel bonis moribus contrarium, hoc ab eisdem esse tenendum pro condemnato.* Afterward in the last Session he declared, in his answer to the Polish ambassadors: *quod omnia et singula determinata et conclusa et decreta in materiis fidei per praesens sacrum Concilium Constantiense conciliariter, tenere et inviolabiliter observare volebat et nunquam contravenire quoquomodo.*

<sup>25</sup> Compare the remarkable passage on the Council of Constance, with which the contemporary writer, Gobelinus Persona, dean at Bielefeld (see at the head of Division 4), concludes his *Cosmodromium*, in Meibomii *Rerum Germ.*, t. i. p. 345: *Postquam Dominus Martinus Papa praedictus fuit coronatus, per nationes Concilii petebatur fieri reformatio Ecclesiae tam in capite quam in membris, prout in Reformatorio per ad hoc electos conceptum fuerat. Sed quia non omnes aequae ardentem instabant, Cardinalibus etiam in hoc torpentibus, parum profecerunt. Unde natio Gallicana Regem (Sigismundum) adiit, petens ab eo, ut Papam ad Ecclesiam dignaretur informare. Qui respondit eis: dum nos, ut reformatio fieret, priusquam ad electionem summi Pontificis procederetur, instabamus, vos nolentes acquiescere, Papam priusquam fieret reformatio Ecclesiae, habere voluistis. Et ecce Papam habetis, quem et nos habemus: illum pro expeditione hu jusmodi reformationis adite, quoniam pro nunc nostri non interest, prout intererat sede Romana vacante. Sunt tamen quaedam reformata, quamvis respectu conceptorum pauca, verbis quidem et scriptis, quae propter humanam mentis mutabilitatem, divinitatis excusantem se sub umbra, hic inserere non praesumo. Ego quidem jam annis multis statum pertractans Ecclesiae, per quem modum ad universalis Ecclesiae reformationem scandalis subtilis omnibus perveniri posset, curiosa mente revolvi. Quem quidem modum Dominus fortasse ostendet, cum in spiritu vehementi conteret naves Tharsis.*

When France, also, which had refused the concordat offered at the Council of Constance,<sup>26</sup> began again, under the young King Charles VII., to bow to the Papal yoke (1425);<sup>27</sup> when the general councils held, agreeably to a decision of the Council of Constance, at Pavia and Siena, in 1423 and 1424, remained without influence or efficiency; then the Papacy could return once more to its ancient course, without allowing itself to be held in check by the counteracting laws of single states.<sup>28</sup> Martin only

<sup>26</sup> The French nation had protested loudly already in the council, in 1417, against the annates; see *Apostoli et Responso dati per ven. Nationem Gallicanam, etc.*, in the *Preuves des Libertez de l'église Gallicane*, chap. xxii. no. 13 (with the title altered in v. d. Hardt, I. xiii. p. 761). Although in the concordat with France half the annates were now remitted (see note 19), still an order was issued on the King's side in April, 1418 (*Bulaei Hist. Univ. Paris*, v. p. 328; *Preuves des Lib. de l'égl. Gall.* chap. xxii. no. 16), *quod Ecclesiis nostrorum Regni ac Delphinatus—secundum antiqua jura Concilliaque generalia de personis idoneis providebitur.—Et insuper quoad exactiones pecuniarum, quas ab aliquibus retroactis temporibus Curia Romana seu Camera Apostolica sub praetextu vacantium beneficiorum Regni et Delphinatus praedictorum, aut alias quovis modo seu colore praemissorum sibi applicari voluit, penitus cessabunt. Intendimus tamen tanquam Christifideles summo Pontifici et Ecclesiae Romanae aequae plusve ceteris in necessitatibus, sive et cum tempus exegerit, succurrere et rationabiliter subvenire: and in May the prohibition (ll. cc.), ne aliquis deinceps absque nostra licentia ausu temerario aurum vel argentum, jocalia (*joyaux*, jewels), aut alia quaevis pretiosa per literas, bulletas (bonds), obligationes aut alias quovis modo, occasione procuratorum, annatarum, vacantium, dispositionis antedictorum beneficiorum—extra Regnum transferat. True, the Duke of Burgundy, in 1419, induced the King to repeal these orders; but the repeal was not allowed by Parliament (*Bulaeus*, v. p. 335), and in February, 1422 (1423), the orders were re-established (*Preuves*, chap. xxii. no. 17).*

<sup>27</sup> The royal edict, dd. x. February, 1424 (1425) (*Preuves*, l. c. no. 19), *ut omnia quaecunque mandata in debita forma, et rescripta Apostolica a die exhibitionis praesentium fuerunt eidem summo Pontifici concessa, bullaeque et processus inde secuti locum executionis habeant in Regno ac Delphinatu nostris, ac eisdem debite per eos ad quos spectat pareatur,—tam in beneficiorum collatione, quam jurisdictionis Apostolicae potestatis exercitio, modo et forma, quibus felix recordationis Clementis VII. et Benedicti XIII. temporibus in Regno nostro eisdem summis Pontificibus, eorumque bullis, processibus, et literis parebatur atque obediebatur, non obstantibus ordinationibus regis, arrestis Parlamenti nostri—et aliis quibuscunque mandatis et usibus in contrarium praedictorum.—Rogantes tamen sancti Patris nostri clementiam, quod—electiones,—et quaevis aliae dispositiones factae in vim ordinationum et arrestorum praedictorum usque in diem exhibitionis praesentium locum habeant, et—confirmentur, defectus si qui sunt privata largitate supplendo. Since the King, when Dauphin, had undertaken upon oath the observance of the laws issued before (note 26), the Pope absolved him from this oath; see the Brief, dd. Kal. Maji, 1425, in *Raynaldus ad b. a. no. 8.**

<sup>28</sup> Thus Martin (*Raynald.* 1426, no. 19) makes to Henricus Episc. Wintoniensis the most vehement complaints against an execrable statutum, per quod ita Rex Angliae de Ecclesiarum provisione et administratione disponit, quasi vicarium suum Christus eam instituisset; legem condit super Ecclesias, Beneficia, Clericos et ecclesiasticum statum; ad se suamque laicalem curiam causas spirituales et ecclesiasticas jubet introduci.—Quasdam contra clericos adjecit poenas, quas ne quidem contra Judaeos vel Saracenos per ullum de suis statutis promulgatae inveniunt. Possunt ad Angliae regnum cujuslibet generis homines libere proficisci: soli acceptantes beneficia auctoritate summi Pontificis, vicarii Jesu Christi, jubentur exulare, capi, carcerari, omnibusque bonis exai;

curbed the cardinals so far as not to be held in restraint by them himself.<sup>29</sup> Thus the old complaints of extortion and church-oppression, as well as of the venality of the curia, began afresh;<sup>30</sup>

executoresque literarum Apostolicarum, procuratores, notarii, et quicumque alii censuram seu processum ab apostolica sede in regnum mittentes aut deferentes ultimo supplicio deputantur, projectique extra protectionem Regis ab omnibus captivandi. The Bishop is reminded of the example—illius gloriosissimi martyris b. Thomae, qui adversus similia decertans statuta holocaustum se Deo offerens pro libertate ecclesiastica occubuit, and required to make every effort with King and Parliament, that the law might be repealed. Compare the papal letters of admonition to the Parliament (Raynald. 1427, no. 15), and to Henry, archbishop of Canterbury (l. c. no. 16), who was particularly called to account, quod audivimus te dixisse irreverenter et improbe, propter pecunias exhauriendas abolitionem illius statuti apostolicam sedem ipsam quaerere. Similar royal decrees were issued also in Poland; see Martini Ep. ad Wladislaum Regem Poloniae, dd. Kal. Apr. ann. viii. and thus A. D. 1425, unless xiii. (1429) be the correct reading (in Raynald. ann. 1427, no. 17): Refertur nobis quasi omnia in aliam dispositionem mutata esse; in eodem regno conculcari jura Ecclesiae, et ecclesiasticam optimi libertatem; non multum timeri censuras nostras, et hujus sedis auctoritatem; electiones Ecclesiarum et Monasteriorum, quorum tamen omnimoda dispositio ad nos spectat, non esse liberas, sed fieri ad praescriptum tuum; beneficiorum per nos collatorum provisiones contemni, tum in beneficiis generaliter reservatis, atque in ea re non pareri mandatis nostris. In another letter to the same monarch, dd. 7. Kal. Sept. ann. xiii. (in Raynald. ann. 1429, no. 18), the Pope complains of certain royal letters, per quas tua Serenitas Praelatis et Canonicis Ecclesiae Gneznensis mandat sub gravi poena, ne aliquem extraneum in dicta Ecclesia recipiant ad possessionem alicujus beneficii, cum inter Praelatos regni ita statutum sit et conclusum.

<sup>29</sup> Among the directions which he gives to the cardinals, this one, indeed, is prominent (in Raynaldus, ann. 1424, no. 4): Pro Ordinum religionum quorumcunque aut personarum particularium protectione nihil pecuniae percipiant, etiam a sponte offerentibus. Nullas supplicationes ipsi Sanctissimo praesentent, nisi pro pauperibus, vel pro persona sua, seu servitorum, consanguineorum, vel affinium, aut familiarium suorum. The ambassador of the German Order writes to his Grandmaster, A. D. 1429 (see Raumer's Hist. Taschenbuch for 1833, s. 73): Sie (the cardinals) dürfen wider den Papst nicht reden, ausser was er gerne hört; denn der Papst hat die Cardinale alle so unterdrückt, dass sie vor ihm nicht anders sprechen, als wie er es gerne will, und werden vor ihm redend roth und bleich." Accordingly the cardinals were very ill disposed toward the Pope; see *ibid.* s. 173.

<sup>30</sup> Antonini Summa Hist. tit. xxii. cap. vii. § 3: Hic igitur Pontifex Martinus, antea nequaquam vir sagax aestimatus sed benignus, in pontificatu tamen ita opinionem de se prius habitam redarguit, ut sagacitas quidem in eo summa, benignitas vero non superflua nec nimia reperiretur (transcribed from Leonardus Aretinus, in Muratorius xix. p. 930).—Hoc in eo communis fama redarguit, nimis cupide insistere cumulationi pecuniae, ut nequaquam dicere valeret id primi Apostolici: *argentum et aurum non est mihi* (Act. iii. 6). Eberhard Windeck, privy councilor to the Emperor Sigismund, in his Life of the Emperor Sigismund (in Mencken, Scriptt. Rer. Germ. i. p. 1117), says of Martin V.: Im wart zugegeben, das er der armest vnd einfaltigiste cardinal were vnter allen cardinalen, die zu Costenz dazumale warent.—Dornach wart er der aller reichest vnd der allergutigiste, das man meinte man funde einen burnen vol goldein vnd duckaten hinter Im da er starb. Compare the extracts from the private correspondence of the ambassadors of the German Order in Rome with the Grand Master, which John Voigt has contributed in Raumer's Hist. Taschenbuch for 1833, s. 92 ff. The burden of all these communications is the same as the ambassador wrote in 1420 (s. 94): "Lieber Herr Meister, Ihr müsset Geld senden, denn hier im Hofe alle Freundschaft endet, so sich der Pfennig wendet." In the year 1430 (s. 98) he writes: "Die Gierigkeit hat im Hofe



and the Romans only, who after a long interval now shared again the gains of the Papal See, were satisfied with the new posture of affairs.<sup>31</sup> From councils it seemed impossible to expect any further redress.<sup>32</sup> Hence the Pope did not scruple, in obedience to a decree of the Council of Siena,<sup>33</sup> to make active preparations for the dramatic exhibitions of another œcumenical council, which was to be opened at Basle in 1431.<sup>34</sup>

zu Rom die Oherhand und weiss von Tag zu Tag mit neuen Listen und Finten das Geld aus Deutschland für die geistl. Lehen auszupressen, dass gross Schreien und Klagen und Aergerniss darüber bey den Gelehrten und den Curtisanen ist, so dass darans wol grosser Zwist über die Paptschaft entstehen, oder gar der Gehorsam endlich entzogen werden wird, damit man das Geld nicht also jämmerlich viel den Walschen zuschleppet, und das Letzte wäre wol, wie ich vernehme, vielen Landen zu Sinne. In the year 1429 (s. 103) "Also ist es Noth, den Papst zu erweichen, was man aber nicht anders thun kann, als mit Geld und Gaben. Allhie zu Rom sind wunderliche Finten, um Geld zu erwerben. Ist da irgendwo Friede unter den Landen oder Fürsten und Herren, man bringt es mit List zuwege, dass Zwietracht entsteht um deswillen, dass der Theil, der gerecht ist, seine Gerechtigkeit wehre und bewahre, und dafür muss er denn hier Geld lassen. Wird ein Bischof, Propst, Prälät, oder sonst ein Domherr mit Eintracht gewählt, so wird er in kurzer Zeit nicht bestätigt, auf dass, wenn Jemand kame, der dem Erwählten einen Einfall thun wollte, dieser, um seine Gerechtigkeit zu behaupten, mehr Geld ausgeben muss, als er sonst gethan hätte: doch es sind die mancherlei Finten, die es allhie giebt, um Geld zu erkriegen, gar nicht zu beschreiben. Geld ist allhie der Freund und Förderer aller Dinge, die man durchsetzen will." When Pope Martin V., in some disputed question, declared himself against the Order, the ambassador wrote to the Grand Master (s. 170): "Der Papst thut dieses nur darum mit so grosser Verfolgung und Uebermuth, weil er uns zu zwingen meint, ihm 10 bis 12,000 Gulden zuzuweisen, was wir doch, ob Got will, nimmer thun wollen: denn er ist so gierig, übermüthig und drückend gegen diejenigen, über die er Macht zu haben meint, als nur jemals ein Papst gewesen ist. Alles, womit er und der ganze Hof zu Rom umgeht, das ist eine Büberei, Gierigkeit, Hypocritenschaft und Uebermuth: das höre ich von Jedermann sagen, der der Redlichkeit folget. Der Papst, wenn er sich Geldes und grosser Brocken vermuthet, lässt selten Jemanden zur Verantwortung kommen." The accounts given of rich presents made to the Pope and cardinals, sometimes regularly, sometimes on occasion of disputes, confirm this general verdict.

<sup>31</sup> The favorable opinion of this Pope given by Platina (ed. 1645, p. 648 ss.) is a Roman one. According to p. 669, Martin V. was carried to the grave, *comitante populo Romano, comitante Clero non aliter fienta, quam si Ecclesia Dei, si urbs Roma unico atque optimo parente orbata fuisset.*

<sup>32</sup> See Gobelinus Persona, note 20.

<sup>33</sup> Mansi xxix. p. 6.

<sup>34</sup> See the commission which he granted to cardinal Julian, to preside as Papal legate in the council, dd. Kal. Februar. 1431, in Mansi xxix. p. 11.

## § 132.

COUNCIL OF BASLE (1431-1448). EUGENE IV. (8<sup>D</sup> MARCH, 1431, † 23<sup>D</sup> FEBRUARY, 1447).

Acts of the Council most complete in *Manuscriptum Conciliorum Nova et Amplissima Collectio*, t. *xxix.* p. 1.—t. *xxxii.* p. 290.<sup>1</sup>

Augustini Patricii, canon at Siena, *Summa Conciliorum Basileensis, Florentini, Lateranensis Lausanensis, etc.*, A.D. 1480, taken from two manuscripts left by John of Segovia, and preserved at Basle (in Harduin, ix. p. 1081 ss., and in Hartzheim, *Concil. Germ.* v. p. 774 ss.)

While the long-cherished dissatisfaction of the college of cardinals with Martin V.'s arbitrary government<sup>2</sup> found its expression equally in the measures by which the cardinals in conclave sought to insure their influence for the future,<sup>3</sup> and in the proceedings

<sup>1</sup> A list of the acts, which are extant at Paris in seven manuscript volumes of the *Collegium Navarricum*, and an enumeration of the codices relating to this council, which are preserved in the library of the university at Basle, may be seen in J. D. Schoepflin *Commentationes Hist. et Criticæ*. Basile, 1741, 4. p. 541 ss. An exact account of the codices of Basle may be found in Och's *Geschichte der Stadt u. Landschaft Basle*, Bd. 3 (Basel, 1819, 8.) s. 573 ff. Although Bellarmine himself, *De Eccl. Militante*, c. 16, allows that the council of Basle is legitimate and œcumenical down to the twenty-sixth session, or until its removal to Ferrara, still the Romans have always stoutly controverted the legality of many of its decrees, and in the Roman edition of the councils, A.D. 1609, this council is quite omitted, by the advice of Bellarmine, according to a statement in Richerii *Hist. Concill. Generall.* lib. iii. in fine. Afterward Lucas Holstenius, in a treatise inserted in *Phil. Labbei Concil. t. xiii. Append.*, maintained its illegality; and this opinion was so prevalent at Rome, that even Clement XIV. reckoned among Ulrich Mayer's errors the statement that the council of Basle was legitimate until the twenty-sixth session. See Walch's *Neueste Religionsgesch.*, Th. 5, s. 245. Moderate Gallicans consider it œcumenical down to the twenty-sixth session; thus Natalis Alex. *Hist. Eccl. sæc. xv. et xvi. diss. viii.* The stricter Gallicans defend the whole council down to its dissolution; thus Richerius, *Hist. Concill.* lib. iii. cap. 7.

<sup>2</sup> Compare above, § 131, note 29.

<sup>3</sup> Compare the bull, dd. 12. Mart. 1431 (in Raynald. ad. h. a. no. 5. ss.), in which Eugene confirmed the *Capitula*, which all the cardinals in conclave had sworn to observe, in case of their exaltation to the Papal See. In the very introduction we can not but recognize an indirect censure of the former government. The *Capitula* are, quod (Papa) curiam Romanam in capite et membris reformabit, et incipiet quandocunque et quotiescunque requiretur per dominos Cardinales (Martin V. had only wished to reform it—in membris, see § 131, note 29): Nec dictam curiam educet de urbe Romana, neque transferet de loco ad locum, de provincia ad provinciam,—sine consilio et consensu consimili (Cardinalium, as Martin V. had done; see Raumer's *Hist. Taschenbuch* for 1833, s. 74, 159). Item quod Concilium generale celebrabit—in loco et tempore, de quibus fuerit sibi consultum per majorem partem Domm. Cardd., et in eo reformabit—universalem Ecclesiam circa fidem, vitam et mores.—Item quod non creabit Cardinales nisi juxta formam et ordinationem factam in Concilio Constantiensi, quam servare tenebitur, nisi de consensu et consilio majoris partis Domm. Cardd. aliud fiendum videretur. Item ut Romano Pontifici a dominis Cardinalibus libera perveniant consilia: non apponet (pledge)—bona alicujus ex eis, nec aliquid in suo statu et provisione immutabit,—nisi de expresso consilio et consensu majoris partis Domm. Cardd. nec damnabit eum nisi convic-

which Eugene IV. commenced against the family and the memory of his predecessor,<sup>4</sup> the council was assembling so slowly at Basle that at first it seemed likely to remain as insignificant as the former council at Siena. However, the Hussite disturbances, which threatened Germany in many ways, brought the council to a more independent position, which was first displayed by opening negotiations with the Hussites. Alarmed at this step, the Pope wished to dissolve the council;<sup>5</sup> but even the presiding cardinal legate, Julian Cesarini, resisted him;<sup>6</sup> and that zeal in the

tum numero testium expresso in constitutione Sylvestri Papae facta in Synodo generali, quae incipit: *Praesul non damnetur*. (See vol. ii. § 20, note 5.) Item quod bona Domm. Cardd., Praelatorumque, nec aliorum Cortesanorum (*Courtisians*) in Curia decedentium nullo modo occupabit,—sed permittet—feri executiones juxta voluntatem decedentium.—Item quod feudatarios regnorum, et alios vicarios, capitaneos—omnesque officarios urbis Romanae, et aliarum terrarum Ecclesiae Romanae obligabit sibi, et successoribus, ac coetui Domm. Cardd.,—quod sede vacante ad mandatum Domm. Cardd. civitates, terras—tradant et expendant libere et sine contradictione quacunq̄ue. Item quod Dominis Cardinalibus permittet libere recipere, et assignari faciet medietatem omnium et singulorum censuum, jurium,—et emolumentorum quorumlibet Romanae Ecclesiae juxta concessionem Nicolai IV.—Nec dabit aliquam ex terris Ecclesiae Romanae in vicariatum, feudum, vel emphyteosim sine consensu et consilio majoris partis Domm. Cardd.; nec movebit guerram, nec confoederationes cum quocunq̄ue Rege, vel Principe temporali, aut Communitate faciet sine consilio et consensu consimili; nec imponet gabellas novas sive exactiones alias in urbe Romana, nec in aliis terris Ecclesiae Romanae; nec etiam concedet alicui Regi, Domino temporali, seu Communitati praeter vel contra libertatem ecclesiasticam exactionem super Clero vel Ecclesiis—sine causa rationabili, et tunc de simili eorundem Domm. Cardd. consensu. Item nihil de juribus—Ecclesiae Romanae alienabit, nec alienata de juribus quibuscunq̄ue Ecclesiarum aliarum—vel Ordinum—confirmabit—sine eorundem Domm. Cardd. consilio et consensu consimili. Item quod super omnibus,—in quibus consilium Domm. Cardd. requiritur, promotionibus ad Praelaturas dumtaxat exceptis, in literis suis—scribi faciet nomina Cardinalium consilium et consensum praebentium,—sicut fieri solebat ante Bonifacium VIII., ut excludatur abusus, qui longo tempore servatus est.—In arduis vero requiritur subscriptio Papae et Cardinalium.

<sup>4</sup> On the war against the two Colonna families, who were required to restore certain Church lands and moneys which they had received from Martin V., and who were compelled to refund in September, 1431, by Eugene, with the assistance of the Venetians and Florentines, see two contemporary writers, Andrea Billius (Augustinian monk in Milan, † 1435), *Hist. Mediolanensis*, lib. ix., in Muratorii *Scriptt. Rer. It. xix.* p. 143 ss., and the *Vita Eugenii IV.*, in Baluzii *Miscell.* lib. vii. p. 506 ss., cf. Raynald. *ann.* 1431, no. 10 ss. As to how far Eugene proceeded against his predecessors, see Andr. Billius, p. 145: Ipsum quoque Martini palatium (tantum processit ira) diruit: insignia familiae, aut Pontificatus, ubicumque per urbem eminebant, dejecit.

<sup>5</sup> The letter of the council to the Bohemians was written on the 15th October (Raynald. 1431, no. 24); the Pope's letter to Cardinal Julian, in which he orders him to dissolve the council, and give notice of another to be opened at Bologna in a year and a half, on the 12th November (l. c. no. 21).

<sup>6</sup> Julian's letter is given incomplete in Raynald. 1431, no. 22; complete in the *Fasciculus Rer. Expetend. et Fugieud.*, ed. Lond. p. 54 ss. The cardinal, who shortly before this time had conducted an unsuccessful crusade against the Bohemians, first writes his reasons why he had accepted the presidency of the council notwithstanding his former

cause of reformation which had been left unsatisfied at Constance, was kindled afresh with heightened ardor.

disinclination. Principally because of the Bohemian business. Then, among other reasons: Incitavit etiam me huc venire deformitas et dissolutio Cleri Alemaniae, ex qua laici supra modum irritantur adversus statum ecclesiasticum. Propter quod valde timendum est, nisi se emendent, ne laici more Hussitarum in totum clerum irruant, ut publice dicunt. Et quidem hujusmodi deformatio magnam audaciam praebet Bohemis, multumque colorat errores eorum, quia praecipue invehunt contra turpitudinem Cleri. Qua de re, etiamsi hic non fuisset generale Concilium institutum, necessarium fuisset facere unum provinciale—pro Clero reformando: quia revera timendum est, nisi iste Clerus se corrigat, quod etiam extincta haeresi Bohemiae suscitaretur alia. Then follow the reasons why the council ought not to be dissolved. Quanta hic scandala sequantur, et quam prope sit eversio fidei auscultet patienter S. V. Primo vocati sunt Bohemi ad istud Concilium: literas vocationis alias misi S. V. Hoc factum quilibet probat, tanquam salubre et necessarium, ut postquam armis totiens frustra certatum est, alia via tenetur.—Si Concilium dissolvitur, quid dicent haeretici? Nonne insultabunt in nostros, et fient proterviores? Nonne Ecclesia fatebitur se esse victam, cum non ausa fuerit expectare illos, quos vocaverat?—Ecce exercitus armatorum totiens fugit a facie eorum, et nunc similiter Ecclesia universalis fugit. Ecce nec armis, nec literis vinci possunt. Videbitur miraculum Dei evidenter, demonstrans, illos vera sentire, et nos falsa.—Quarto, quid dicit universus orbis, cum hoc sentiet? Nonne judicabit, clerum esse incorrigibilem, et velle semper in suis deformatibus sordescere? Celebrata tot sunt diebus nostris Concilia, ex quibus nulla sequuta est reformatio. Expectabant gentes, ut ex hoc sequeretur aliquis fructus. Sed si sic dissolvatur, dicetur, quod nos irridemus Deum et homines. Et cum jam nulla spes supererit de nostra correctione, irruent merito laici in nos more Hussitarum: et certe fama publica de hoc est. Animi hominum praegnantibus sunt, jam incipiunt evomere venenum, quo nos perimant: putabunt se sacrificium praestare Deo, qui Clericos aut trucidabunt, aut spoliabunt: quoniam reputabuntur jam in profundum malorum venisse, fient odiosi Deo et mundo: et cum modica nunc ad eos sit devotio, tunc omnis peribit. Erat istud Concilium quoddam retinaculum saecularium: sed cum viderint spem omnem deficere, laxabunt habenas publice prosequendo nos. Ah quis honor erit Romanae Curiae, quae Concilium congregatum pro reformatione turbavit? Certe totum odium, tota culpa, et ignominia transferetur in illam, tanquam causam, auctricemque tot malorum.—Septimo, his diebus civitas metropolitana Magdeburgensis expulit Archiepiscopum et Clerum, et jam illi cives incedunt more Bohemorum cum curribus, et dicitur quod miserunt pro uno capitaneo Hussitarum. Et quod valde timendum est, habet civitas ista ligam cum multis civitatibus et communitatibus illarum partium. Item civitas Pataviensis, quae est de dominio domini Episcopi, expulit Episcopum, et erexit machinas contra quoddam castrum Episcopi. Utraque istarum civitatum est finitima Bohemis, et si jungantur se cum illis (prout valde timendum est), multarum civitatum habebunt sequelam. Scriptum est utrique rogando, ut supersedeant a guerra: et si qua controversia inter ipsos sit, offert se Concilium velle illam terminare.—Item quia magna discordia est inter civitatem Bambergensem, et Episcopum et Capitulum, quae est supra modum periculosa propter vicinitatem haeticorum: Concilium dat operam ad interponendum se pro concordia.—Si modo dissolvatur Concilium, nonne populi Germaniae videntes, se non solum destitutos ab Ecclesia, sed deceptos, concordabunt cum haeticis, et fient nobis inimiciores quam illi? Heu, heu, quanta ista erit confusio! Finis pro certo est. Jam, ut video, securis ad radicem posita est: inclinata est arbor, ut cadat, nec potest diutius persistere. Et certe cum per se stare posset, nos ipsam ad terram praecipitamus.—Et quam dicatur, quod talis prorogatio et loci translatio sit ad bonum finem, ut ibi praesente Sanctitate Vestra majora bona sequi possint, nemo hoc credit, quia dicunt: *fuimus delusi in Concilio Senensi, iterum in isto.*—Item, beatissime Pater, per hujusmodi prorogationem non tolluntur scandala quae narrata sunt. Essent interrogandi haeretici, si

Without regard to the Pope,<sup>7</sup> the synod was opened with due

volunt expectare usque ad annum cum dimidio, ut non disseminent virus suum. Esent et interrogandi, qui scandalizantur de deformitate Cleri, an interim velent super sedere. Ecce quotidie pullulat ista haeresis: illi quotidie seducunt Catholicos, aut vi opprimunt, non perdunt minimum temporis momentum. Quotidie nova scandala ex deformitate Clericorum insurgunt, et nihilominus provisiones ex remedio procrastinantur! Fiat quod fieri potest nunc: reliquum servetur ad annum cum dimidio. Ego timeo, quod usque ad annum cum dimidio, nisi aliter provideatur, magna pars Cleri Alemaniae erit desolata. Si per Germaniam diffunderetur haec vox, quod Concilium esset dissolutum, pro certo Clerus omnis daretur in praedam.—Sed audio, quod nonnulli trepidant, quod in hoc Concilio debeat auferri temporalitas ab Ecclesia. Mira res! Si hoc Concilium non fieret per viros ecclesiasticos, forsitan dubitandum foret: sed quis erit iste Ecclesiasticus, qui huic determinationi consentiat? Non solum quia esset contra fidem, sed quia redundaret in detrimentum eorum.—Nec etiam umquam fuit aliquod legitime congregatum Concilium, in quo Spiritus Sanctus permiserit aliquid contra fidem determinari. Cur timendum est contrarium in hoc? Hoc est diffidere de Spiritu Sancto. Sed vereor ne contingat nobis, sicut contigit Judaeis, qui dixerunt: *si dimittimus hanc, venient Romani, et tollent locum nostrum et gentem* (Jo. xi. 48). Ita et nos dicimus: *si admittimus fieri Concilium, venient Laici, et tollent temporalitatem nostram.* Sed sicut iusto Dei iudicio factum fuit, quod Judaei perdidit locum suum, quia noluerunt dimittere Christum: ita et iusto Dei iudicio fiet, quod quia nolumus admittere Concilium fieri, perdemus temporalitatem nostram, et utinam non corpora et animas! Quando Deus vult alicui populo aliquod infortunium immittere, primo disponit, ut pericula non intelligantur, neque considerentur. Ita videtur nunc contingere viris ecclesiasticis, quos saepe redarguo esse caecos, qui vident ignem, et nihilominus currunt versus illum.— Nunquam fuisset celebratum aliquod Concilium, si hujusmodi timor invasisset corda patrum nostrorum, sicut invadit nostra. Sed et si hunc timorem habemus, cur non opponimus remedium? Cur ad evitandum unum malum, volumus incurere majus? Ecce remedium ad hoc: Mittat huc Sanctitas Vestra aliquos de reverendissimis Domini Cardinalibus, et aliquos notabiliores Praelatos, qui reperiri possunt, et bene affectos sedi Apostolicae, et qui sint bene inclinati ad bonum universale; det Sanctitas Vestra omnem favorem possibilem huic Concilio, promoveat ipsum quantum potest; scribat ei literas benignas, exhortando ipsos, ad sancta opera, quae proponunt, offerendo se, etc.—Quando isti talia videbunt, et audient, in veritate puto, quod, etiamsi haberent malum animum, mutarent illum: et non solum studebunt conservare auctoritatem sedis Apostolicae, sed augere.—Sed si videant contrarium, verbi gratia de dissolutione Concilii, tunc scandalizantur: et sequitur hoc, quod, ubi prius erant tepidi, hujusmodi vox reddet ipsos magis acutos et ferventes. Then there is a refutation of the Pope's pretexts for the dismissal of the council.—Ad minus, beatissime Pater, differat S. V. usque ad mensem Julii, quia tunc cessabunt illa inconvenientia et scandala, quae modo obstant, videlicet de haereticis vocatis ad Concilium, et militaribus: quia infra illud tempus omnia ista erunt completa. Poterunt etiam fieri aliquae ordinationes super reformatione Cleri Alemaniae et mitti per Germaniam, et sic videbitur aliquid factum, nec tunc poterit aliquid imputari S. V. Et hoc quidem nunc fieret cum scandalo et sine effectu: tunc honestius fieri poterit.—Aviso Sanctitatem Vestram, quod me hinc recedente, vel dimittente praesidentiam, isti statim facient sibi unum praesidentem auctoritate Concilii.

<sup>7</sup> The Pope issued the bull of dissolution on the 18th December, 1431 (in Mansi xxix. p. 564 ss.). One principal reason given is, that Bologna was a more convenient place for a council that was to be held to promote union with the Greeks. Et quia post transmissionem praefatarum nostrarum literarum ad notitiam nostram pervenit, ultra ea quae superius continentur, praefatos Bohemos haereticos in Constantiensi Concilio tam mature atque solemniter condemnatos—fuisse invitatos Basileam ad disputandum et contendendum super articulis—condemnatis,—et alia diversa scandala et pericula imminere;—exnunc—Concilium, si quod—Basileae congregatum videatur,—dissolvimus,—aliudque Concilium in anno cum dimidio—in praefata civitate Bononiensi—indi-

solemnity (Sess. I. on 14th December, 1431),<sup>8</sup> renewed the decrees made at Constance on the dignity of general councils,<sup>9</sup> summoned the Pope and cardinals,<sup>10</sup> and began, in every respect, to maintain the supremacy of its authority in the Church.<sup>11</sup> Further still,

cimus. Et nihilominus in decennio aliud simile Concilium, juxta statuta Constantiensis synodi,—in civitate Avinionensi similiter extunc indicimus.

<sup>8</sup> The method of deliberation and the course of business were regulated in a peculiar manner by the *Articuli de modo procedendi in S. Concilio conclusi in gen. Congregatione*, d. 26. September, 1430 (probably 1431), in Mansi xxix. p. 377: Primo sint quatuor deputationes, sicuti sunt, inter quas omnes de Concilio distribuantur aequaliter, quantum commode fieri poterit. Et sint in quolibet deputatione de quolibet statu, scil. Dominorum Cardinalium, Patriarcharum, Archiepiscoporum, Abbatum, Doctorum, Religiosorum, exemptorum et non exemptorum, et aliorum.—Nihil autem ardui proponat Praesidens in congregatione generali ad deliberandum seu concludendum, nisi prius fuerit propositum in singulis deputationibus et agitatum; nisi casus esset repentinus et talis, cujus mora esset nociva. The names of the four committees were *Pro Communibus, Reformatorii, Fidei, Pacis*.

<sup>9</sup> In Sess. II. 15th February, 1432 (Mansi xxix. p. 21), in the first place, the first two decrees of Sess. V. Conc. Const. (see § 181, note 8) were renewed, according to which the council was above the Pope, and the Pope bound to obey the council. Further: Synodus Basiliensis decernit et declarat, quod ipsa pro haerodum extirpatione, ac morum generali reformatione Ecclesiae in capite et in membris, necnon pace inter Christianos procuranda in Spiritu Sancto legitime congregata per nullum, quavis auctoritate, etiamsi papali dignitate praeferat, dissolvi, aut ad alium locum transferri, seu ad aliud tempus prorogari debuit aut potuit, debet aut potest, debebit aut poterit in futurum, absque ejusdem Synodi Basiloensis deliberatione et consensu. Then: Item diffinit,—quod nulla persona—in eadem Synodo actu existens aut futura—ad recedendum ab eadem a quoquam, quavis auctoritate etiamsi papali dignitate praeferat,—sine—consensu ipsius sanctae Synodi requiri,—evocari ad alium locum—valeat, seu ne ad eandem sanctam Synodum veniat, possit aut debeat quomodolibet impediri. Si autem a quoquam, quavis auctoritate, etiamsi papali dignitate praeferat, in contrarium attentatum fuerit, seu attentaretur in futurum, aut processus poenales vel mandata, etiam censurae ecclesiasticae—fulminati fuerint—aut fulminarentur in futurum; totum sit irritum et inane. Lastly, quod Praelati et alii, qui tenentur huic sacro Concilio interesse, ab hoc loco ante finitum Concilium, nisi ex causa rationabili, per deputatos seu ab hoc sacro Concilio deputandos examinanda, non recedant.—Et tunc taliter recedens teneatur dimittere aliis in loco remanentibus suam potestatem.

<sup>10</sup> Sess. III. 29th April, 1432 (l. c. p. 25): Haec Sancta Synodus in Spiritu Sancto legitime congregata praedictum beatissimum dominum Papam Eugenium cum omni reverentia et instantia supplicat, et per viscera misericordiae Jesu Christi exorat, requirit, et obtestatur, ac monet, quatenus praetensam dissolutionem, sicut de facto processit, de facto revocet:—necnon infra trium mensium spatium, quod ad hoc pro termino peremptorio praefigit et assignat, si corporalis ipsius dispositio patiat, personaliter veniat: sin autem, personam vel personas loco et vice sui destinet et transmittat cum plenaria potestate ad omnia et singula in hoc Concilio peragenda.—Alioquin si haec Sanctitas Sua facere neglexerit (quod de Christi Vicario non est aliquo modo sperandum), sancta Synodus, prout justum fuerit, et Spiritus Sanctus dictaverit, necessitatibus Ecclesiae providere curabit, et procedet secundum quod juris fuerit divini pariter et humani. Similiter—dominos Cardinales—requirit,—quatenus infra spatium trium mensium ab intimatione praesentium—ad dictum sacrum Concilium generale veniant, etc.

<sup>11</sup> Sess. IV. 12th July, 1432, it was determined (l. c. p. 32), quod in eventum vacationis Sedis Apostolicae hoc sacro generali durante Concilio electio summi Pontificis in loco istius sacri Concilii fiat.—*Item*—statuit et ordinat ipsa Synodus, quod de cetero in

its champions, among whom Nicholas Cusanus was the most distinguished, laid down certain principles which threatened the Papal See to its lowest foundations.<sup>12</sup> Encouraged by universal support,<sup>13</sup> the council publicly advanced from exhortations to men-

literis suis authenticis utatur bulla plumbea pendente cum chordula cannabis aut serici, prout varietates causarum et rerum, super quibus litterae eadem conficiuntur, postulabit, in uno missionis Spiritus sancti in specie columbae, in alio vero lateribus horum verborum *Sacrosancta generalis Synodus Basileensis* sculpturas continente, decernens eisdem plenam et omnimodam fidem adhibendam fore. *Item*—statuit,—quod durante hoc sacro Concilio Romanus Pontifex, a loco istius sacri Concilii absens personaliter, non debeat nec possit aliquem—in s. Romanae Ecclesiae Cardinalem—assumere.—Et si secus attentatum fuerit, ex nunc in antea irritum sit et inane, nulliusque roboris vel momenti. Then the synod intrusted the government of Avignon and Venaissin to the—Cardinal S. Eustachii, cum ad ipsius sacrae Synodi notitiam—sit deductum, quod civitas Avinionensis—certis urgentibus rationibus et causis necessariis Vicarium per summum Pontificem ad ipsius regimen destinatum se admittere non debere praestendat, atque ad eundem summum pontificem ambaxiatas destinaverit pro utili et salubri gubernatione civitatis ejusdem ac comitatus Venaycini eidem adjacentis, suppliciter postulans, ut de alio utili eis provideretur Vicario, quod hucusque obtinere nequivit, nec sperat posse obtinere: quinimmo is qui pro Vicario destinatus est, intendit et nititur suscipere gubernationis officium invita civitate, congregare satagens multitudinem gentium armatarum.

<sup>12</sup> Nicholas Chryftz (i. e. Krebs) from Cues on the Moselle, born 1401 † 1461 (see Berichtungen u. Zusätze zu s. Lebensbeschreibungen in the *Tübinger theol. Quartal-schrift*. Jahrg. 1831, Heft 2. s. 386), who was present at the council as Dean of St. Florianus at Coblenz, now wrote his *Libb. iii. de Catholica Concordantia* (in his *Opp.*, Paris, 1514, fol. t. iii. and in *Sim. Schardii Syntagma Tractatum de Imperiali Jurisdictione* Argent. 1609, fol. p. 285. Compare the following principles among others, lib. ii. c. 34: *Universale Concilium catholicae Ecclesiae supremam habet potestatem in omnibus super ipsum Romanum Pontificem.*—*Licet secundum plura Sanctorum scripta potestas Romani Pontificis a Deo sit, et secundum alia ab homine et Conciliis universalibus* (comp. vol. i. § 90 and 92, note 7, etc.): *tamen videtur in veritate medium concordantiae per scripturas investigabile ad hoc demum tendere, quod ipsius Pontificis Romani potestas, quoad considerationem praeeminentiae prioratus et principatus, sit a Deo per medium hominis et Conciliorum, scilicet mediante consensu electivo.*—*Unde etiam Romanus Pontifex, aut ex loco et sede Petri, aut principatu civitatis inter caeteros mundi Episcopos in primatu ut praecipuus—veneraretur: tamen nisi subjective ex consensu concurreret electio per eos, qui aliorum omnium vices gerunt, non crederem, ipsum praesidem aliorum omnium et principem sive judicem esse. Quare si per possibile Treverensis Archiepiscopus per Ecclesiam congregatum pro praeside et capite eligeretur, illo proprio plus successor S. Petri in principatu foret, quam Romanus Pontifex.* Lib. iii. c. 2: *Sunt meo iudicio illa de Constantino (the Donatio Constantini) apocrypha, sicut fortassis etiam quaedam alia longa et magna scripta, Sanctis Clementi et Anacleto Papae attributa, in quibus volentes Romanam sedem omni laude dignam plus, quam Ecclesiae sanctae expedit et decet, exaltare, se penitus aut quasi fundant.*

<sup>13</sup> Thus the University of Paris wrote to the council 9th February, 1432 (*Bulæi Hist. Univ. Paris*, v. p. 412), that it had heard—plerosque filios iniquitatis ad ipsum totis adspirare conatibus, ut sanctum ac salutare Concilium—prorogetur, aut transferatur, et verius, penitus irritetur atque dissipetur.—*Non itaque, Venerandi Patres, torpescant corda vestra, non frangantur animi!*—*Si autem Romanus Pontifex illud propria auctoritate vellet dissolvere atque dissipare ante plenariam digestionem articulorum inceptorum, non eidem putamus in ea re, salva sedis auctoritate, esse obtemperandum, sed potius in facie, si opus esset, resistendum, sicut Paulus, qui signum tenet Doctorum,*

aces, and at length to a judicial proceeding against the Pope.<sup>14</sup> At first he seemed inclined to offer a stubborn resistance, but, pressed hard by the Duke of Milan, and the seditious Romans, to whom the defense of the rights of the council offered a welcome pretext for their own undertakings,<sup>15</sup> and forsaken by a large part of his cardinals,<sup>16</sup> he was obliged to conclude to yield upon all points.<sup>17</sup> Even then the Papal legates were not admitted to the

Petro in facie restitit, figuram gerenti Pontificum. Etsi enim summus Pontifex in Concilio praeemineat atque praesideat, non suae tamen facultatis est ad arbitrium concludere, sed ad ampliorem numerum concordium sententiarum.

<sup>14</sup> On 22d August, 1432, the two archbishops of Colocza and Tarentum, who had come to Basle at the head of a Papal embassy, spoke in defense of the Pope before a *Congregatio generalis*. Their speeches are in Mansi xxix. 468 ss. The council afterward gave an express *Responsio synodalis de auctoritate cujuslibet Concilii generalis supra Papam et quolibet fideles, quodque sine ejus consensu non potuit dissolvere Concilium Basileense Dominus Eugenius Papa IV.* (in Mansi xxix. p. 239 ss.) In Sess. VI. 6th September (l. c. p. 39), the *Promotores Concilii* proposed to declare the Pope and the cardinals, who had not made their appearance, *contumaces*. But the council still delayed this decree, and in Sess. VIII., 18th December, warned the Pope again to submit within sixty days. In Sess. X., 19th February, 1433, on the renewed motion of the *Promotores*, the following decree was passed: haec s. Synodus iudices hujus sacri Concilii deputat et ordinat ad videndum et ad examinandum processum factum contra eundem dominum Eugenium, et referant in Congregatione generali. Sess. XII., 14th July, 1433 (l. c. p. 59): Synodus—amodo in dictum Dominum Eugenium acrioribus remediis, quandoquidem leniora non prosunt, procedere decrevit. Et quamquam in tam notorie et incorrigibiliter scandalizantem Ecclesiam statim posset finalem ferre sententiam, nesciens tamen maternas pietatis oblivisci, intuitu etiam praefati Serenissimi Imperatoris, qui per suas litteras super hoc nos exacte rogavit, adhuc ipsum Dominum Eugenium tertio monere, ac etiam tertiam ei indulgere dilationem proponit, ut in sua potestate sit, si velit poenam evitare. Accordingly it allows him another respite of sixty days, but after that time threatens him with suspension, processura tandem ad ulteriora, usque ad sententiam finalem inclusive, si opus fuerit, ipso domino Eugenio amplius non citato, prout Spiritus Sanctus dictaverit: omnem autem ipsius Papatu administrationem in his omnibus, quae in spiritualibus et temporalibus ad solum Papam, vel ad solam sedem Apostolicam de jure pertinere noscuntur, eadem sancta Synodus post dictum terminum ad seipsam decernit et declarat ipso facto esse devolutam. Sess. XIII., 11th September, 1433, a fresh respite of thirty days was conceded to the Pope, and Sess. XIV., 7th November, 1433, an additional interval of ninety days.

<sup>15</sup> Raynald. ann. 1433, no. 26; 1434, no. 6.

<sup>16</sup> Antonini Summa Hist. P. iii. tit. 22. cap. 10, § 2: Et cum nec satis fama prospera Eugenii foret, praesertim quia Pontificatum tranquillissimum a Martino susceptum ipse confestim magnis perturbationibus involvisset: Cardinales plures ab eo recesserunt, aliqui clam insalutato hospite, alii patenter occasione inventa alicujus bonae rei fiendae, et Basileam pergentes—simul cum multis aliis Episcopis et Praelatis convenerunt. The ambassador of the German Order sent particular intelligence of this matter to his Grand Master; see Raumer's Taschenbuch for 1833, s. 75. According to him no more than four cardinals still held to the Pope.

<sup>17</sup> The Emperor Sigismund, in particular, labored to induce the Pope to give way, but at first without success; see Eugennii Epist. ad Franc. Foscarem ducem Venetiarum, in Raynald. ann. 1433, no. 19. Primum—cum (Imperator) institisset nobiscum literis et nunciis, ut Concilio illi haereremus omnino, hoc recusavimus: potius enim hanc Apostolicam dignitatem et vitam insuper posuissimus, quam voluissimus esse causa et ini-



presidency until they had acceded to the decisive measures taken by the council to insure its independence.<sup>18</sup> (Sess. XVII., 26th April, 1434.)

tium, ut pontificalis dignitas et sedis Apostolicæ auctoritas submitteretur Concilio contra omnes canonicas sanctiones, quod nunquam antea neque aliquis nostrorum prædecessorum fecit, neque ab ullo extitit requisitum. However, he issued the bull *Dudum* on the first of August, 1433 (Mansi xxix. p. 574), with the declaration: *sollemniter et contentamur*, præfatam generale Basileense Concilium a tempore inchoationis suæ continuatum fuisse et esse, prosecutionemque semper habuisse et continuari, prosecutionemque ad prædicta habere debere, perinde ac si nulla commutatio, translatio seu dissolutio facta fuisset: quinimmo præfatam commutationem, translationem, seu dissolutionem *revocantes* ipsum Concilium Basileense pure, simpliciter, cum effectu ac *omni caritate amplectimur*:—ita tamen quod præsidentes nostri ad præfati Concilii præsidendam admittantur cum effectu, ac omnia singula contra personam, auctoritatem ac libertatem nostram et sedis Apostolicæ ac venn. fratrum nostrorum S. R. E. Cardinalium, et aliorum quorumcunque nobis adhaerentium in dicto Concilio facta et gesta per dictum Concilium prius omnino tollantur. The council was not satisfied with this bull, and in Sess. XIV., 7th November, 1433 (Mansi xxix. p. 72), drew up several formulas of the declaration to be required of the Pope for his choice; and the Pope published a new edition of the bull *Dudum*, altered to meet their terms, 15th December, 1433 (Mansi l. c. p. 78). This bull runs thus: *decernimus et declaramus*, præfatam generale Concilium Basileense a tempore prædictæ inchoationis suæ *legitime* continuatum fuisse et esse, prosecutionemque semper habuisse, continuari ac prosecutionem habere debere ad prædicta et pertinentia ad ea, perinde ac si nulla dissolutio facta fuisset: quinimmo præfatam dissolutionem *irritam et inanem—declaramus*, ipsum sacrum generale Concilium Basileense pure, simpliciter et cum effectu ac *omni devotione et favore prosequimur*.—Præterea—duas nostras literas,—et alias quascunque, et quidquid per nos aut nostro nomine in prejudicium aut derogationem prædicti sacri Concilii Basileensis, seu contra ejus auctoritatem factum et attentatum seu assertum est, cassamus, revocamus, irritamus et annullamus.—Item revocamus quoscunque processus—factos contra supposita hujus sacri Concilii Basileensis et adhaerentes eidem.—Nos autem deinceps a novitatibus et gravaminibus seu præjudiciis inferendis ipsi sacro Concilio, vel suppositis ejus et adhaerentibus eidem realiter et cum effectu desistemus. The bulls repealed are inserted word for word.

<sup>18</sup> The Legates had first to swear, on 8th April, in a *Congregatio generalis* (Mansi xxix. p. 409), fideliter laborare pro statu et honore Concilii Basileensis, et ejus decreta defendere et manutenere, et specialiter decretum Concilii Constantiensis, cujus tenor sequitur et est talis: *Primo quod generalis Synodus Constantiensis necnon quæcumque alia Synodus in Spiritu Sancto legitime congregata—potestatem a Christo immediate habet, etc.*—Item *declarat, quod quicumque, cuscumque status et dignitatis, etc.* (see § 181, note 8). Item dare sanum et salubre consilium secundum Deum et conscientias suas, et non revelare vota singulorum, in quantum ex hujusmodi revelatione verisimiliter possit oriri aliquod odium vel scandalum, et non recedere a loco hujus Concilii sine licentia obtenta a deputatis ejusdem. Then in Sess. XVII., 26th April, they were first admitted in the following style (Mansi xxix. p. 90): Sacrosancta generalis Synodus Basileensis, in Spiritu Sancto legitime congregata, universalem Ecclesiam representans, dilectos Ecclesie filios Nicolaum tit. s. Crucis in Jerusalem presbyterum, Julianum s. Angeli diaconum, s. Romanæ Ecclesie Cardinales, et venerabiles Joannem Archiepiscopum Tarentinum et Petrum Episcopum Paduanum, ac dilectum Ecclesie filium Ludovicum Abbatem S. Justinae Paduanæ tantum admittit in Præsidentes in hoc sacro Concilio, nomine, vice et loco sanctissimi Domini Eugenii P. IV. cum infrascriptis conditionibus et clausulis, plenissimum robur et effectum per omnia habituris, videlicet, sine omni jurisdictione coactiva, salvo etiam modo procedendi in hoc sacro Concilio hactenus observato, præsertim qui contingunt in ordinationibus hujus s. Concilii, quæ incipiunt: *Primo sint quatuor deputationes* (see above, note 8).—Item quod lectis in congregatione generali his

Thereupon the council, by this time become very numerous, resumed with earnestness the consideration of the ecclesiastical reforms often deliberated upon at Constance, but imperfectly carried out.<sup>19</sup> So early as Sess. XII., 13th July, 1433, most of the Papal reservations were abolished.<sup>20</sup> In Sess. XV., 26th November, 1433, regular diocesan and provincial synods were prescribed.<sup>21</sup> Then, in Sess. XX., 22d January, 1435, decrees were

quae conclusa sunt per deputationes primus inter Praesidentes ibidem praesentes—concludat juxta ordinationes sacri Concilii. Quod si nolit ipse aut alius de Praesidentibus—facere, tunc proximior Praelatus subsequens in ordine considerandi concludat.—Et si forte nullus de Praesidentibus veniat ad congregationem, vel ad sessionem generalis Concilii, tunc primus Praelatus—pro illo die faciat officium Praesidentis. Item quod omnia acta hujus sacri Concilii (sicut hactenus est observatum) fiant et expediantur sub nomine et bulla ipsius Concilii.

<sup>19</sup> Propositions were sent to the council by Andreas de Escobar, Episc. Megarensis (this was his real title according to Nicol. Antonii Biblioth. Hisp., not, as v. d. Hardt states it, Episc. Magorensis). He had been already active at the Council of Constance. He addresses his advice to the Cardinal Julian, in his *Gubernaculum Conciliorum* (in v. d. Hardt, Conc. Const. t. vi. p. 189 ss.) A.D. 1434 (not. 1435, see p. 177 and 186). For some remarkable declarations, see p. 182: Et timendum est, quod ante diem iudicii, et in brevi (Romana Ecclesia), nisi super eam fiat reformatio et reparatio, desoletur et foras mittatur et ab hominibus conculcetur. Quia penitus ab illis fundamentis Sanctorum et Apostolorum, Martyrum et Confessorum, et Jesu Christi ac patrum nostrorum et majorum doctrinis, et regulis conscientiae aliena, et omnibus vitis et turpitudinibus defoedata. P. 186: Si (generale Basileense Concilium) absque reformatione dissolvatur, tunc certe speratur, quod sancta Romana Ecclesia et Apostolica—spoliabitur suis ornamentis et possessionibus temporalibus, et Clerus et Apostolica Ecclesia privabitur suis bonis et privilegiis, ac libertatibus, et erit sub servitute peccati ac tributo census et nummi, et turbabitur ac nimium fluctuabit Petri navicula, quae in se Judam et Simonem recepit, qui generalibus Conciliis contradicunt, et ea dissolvere satagunt, et ne fiant imposterum, impediunt.

<sup>20</sup> The *Decretum de electionibus et confirmationibus Episcoporum et Praelatorum* (in Mansi xxix. p. 61) abolishes the Papal reservations, reservationibus in corpore juris clausis, et his quae in terris Romanae Ecclesiae ratione directi seu utilis dominii mediate vel immediate subjectis fieri contigerit, semper exceptis, and appoints—quod per electiones et confirmationes canonicas, secundum juris communis dispositionem, praedictis Metropolitanis, Cathedralibus, Monasteriis, et collegiatis Ecclesiis ac dignitatibus electivis vacantibus debite provideatur.—Decernitque haec s. Synodus rationi fore consentaneum et reipublicae accommodum, ut contra hoc salutare decretum Romanus Pontifex nihil attentet, nisi ex magna, rationabili ac evidenti causa, litteris Apostolicis nominatum exprimenda. Et ut eo firmiter hoc salubre decretum custodiatur, vult eadem s. Synodus, ut inter alia, quae Romanus Pontifex in sua assumptione profitebitur, juret decretum hoc inviolabiliter observare. Then follow regulations for the election of prelates. No fees whatever were to be paid for their confirmation. Summum vero Pontificem haec s. Synodus exhortatur, ut, cum speculum et norma omnis sanctitatis et munditiae esse debeat, pro confirmatione earum electionum, quae ad eum deferri contigerit, nihil penitus exigat aut recipiat: alioquin, si secus faciendo notorie et incorrigibiliter ex hoc Ecclesiam scandalizet, futuro Concilio deferatur. Pro oneribus autem, quae ipsum pro regimine universalis Ecclesiae subire oportet, proque sustentatione S. R. E. Cardinalium et aliorum necessariorum officialium hoc sacrum Concilium ante sui dissolutionem omnino debite et congruenter provideat.

<sup>21</sup> Mansi xxix. p. 74:—s. Synodus—praecipit, Synodum Episcopalem in qualibet

framed against the concubinage of the clergy,<sup>23</sup> against the precipitate employment of the interdict,<sup>23</sup> and against frivolous appeals.<sup>24</sup> Sess. XXI., 9th June, the annates were abolished,<sup>25</sup> and certain abuses which had crept into divine service were forbidden.<sup>26</sup> In Sess. XXIII., 25th March, 1436, there followed regu-

dioecesi post octavas dominicae Resurrectionis, vel alia die secundum consuetudinem dioecesium, ad minus semel in anno, ubi non est consuetudo bis annuatim, celebrari per dioecesanum propria in persona. These were to last at least two or three days, and be engaged in defining ecclesiastical regulations, the examination of the morals of the priesthood, the removal of disorders, the suppression of heresies, etc. For this purpose *testes synodales* were to be sworn in.—Provincial councils were to be held at least once every three years.—The monastic orders also were to observe their *Capitula* regularly.

<sup>23</sup> Mansi xxix. p. 101. Sess. XX., Decr. 1. Every clergyman who, two months after the publication of this decree, should still be a *publicus concubisarius*, was to be, ipso facto, suspended—a perceptione fructuum omnium suorum beneficiorum, for three months, and if he did not immediately dismiss his concubine when required, he was to be deposed from his office. Quia vero in quibusdam regionibus nonnulli jurisdictionem ecclesiasticam habentes, pecuniarios quaestus a concubinariis percipere non erubescant, patiende eos in tali foeditate sordescere (see vol. iii. § 110, note 9): sub poena maledictionis aeternae praecipit, ne deinceps sub pacto, compositione, aut spe alicujus quaestus, talia quovis modo tolerent aut dissimulent: alioquin ultra praemissam negligentiae poenam duplum ejus, quod propterea acceperint, restituere ad pios usus omnino teneantur et compellantur. Ipsas autem concubinas—Praelati modis omnibus curent a suis subditis, etiam per brachii saecularis auxilium, si opus fuerit, penitus arcere: qui etiam ex tali concubinato procreatos filios apud patres suos cohabitare non permittant.

<sup>23</sup> Decr. 3: Quoniam ex indiscreta interdictorum promulgatione multa consueverunt scandala evenire, statuit haec sancta Synodus, quod nulla civitas, oppidum,—aut locus ecclesiastico supponi possint interdicto, nisi ex causa seu culpa ipsorum locorum, aut domini seu rectorum vel officialium: propter culpam autem—alterius cujuscunque privatae personae hujusmodi loca interdicti nequaquam possint,—nisi—domini seu rectores—ipsorum locorum, auctoritate judicis requisiti, hujusmodi personam excommunicatam infra biduum inde—non ejecerint, aut ad satisfaciendum compulerint.

<sup>24</sup> Decr. 4: Ut lites citius terminentur, super eodem gravamine, aut super eadem interlocutoria vim diffinitivae non habente nullatenus liceat secundo appellare. Quodque ante diffinitivam frivole vel injuste appellans, ultra condemnationem expensarum, damnorum, et interesse, in quindecim florenis auri de camera parti appellatae per appellationis judicem condemnetur.

<sup>25</sup> Mansi xxix. p. 104. Sess. XXI., Decr. 1. *De annatis*: In nomine Spiritus Sancti paracleti statuit haec sancta Synodus quod tam in curia Romana quam alibi pro seu in confirmatione electionum, admissione postulationum, praesentationum provisione, collatione, dispositione, electione, postulatione, praesentatione, etiam a laicis facienda, institutione, installatione, et investitura, de Ecclesiis etiam cathedralibus et metropolitaneis, Monasteriis,—officiisque ecclesiasticis quibuscumque, necnon ordinibus sacris et benedictione ac pallio, de caetero nihil penitus ante vel post exigatur ratione literarum, bullae, sigilli, annatarum communium, et minorum servitorum, primorum fructuum, deportuum, aut sub quocumque alio titulo.—Huic autem sacro canoni si quis—contraire praesumpserit, poenam incurrat adversus simoniacos inflictam.—Et si (quod absit) Romanus Pontifex, qui prae caeteris universalium Conciliorum exequi et custodire canones debet, adversus hanc sanctionem aliquid faciendo Ecclesiam scandalizet, generali Concilio deferatur. Caeteri vero pro modo culpae juxta canonicas sanctiones per suos superiores digna ultione puniantur.

<sup>26</sup> Viz., in respect to the holding of the horae canonicae and to masses. In Decr. 9 that *abusus* was forbidden, quo nonnulli Ecclesiarum Canonici contrahentes debita, sic

lations about the election, the oaths and the office of the Pope,<sup>27</sup> and the position of the cardinals,<sup>28</sup> together with an unconditional prohibition of the Papal reservations already abolished.<sup>29</sup> This

se creditoribus obligant, ut nisi statuto tempore satisfaciant, a divinis cessetur officiis. Decr. 11 against the Feast of Fools (see vol. ii. § 79): Turpem etiam illum abusum in quibusdam frequentatum Ecclesiis, quo certis anni celebritatibus nonnulli cum mitra, baculo ac vestibus pontificalibus more Episcoporum benedicunt, alii in reges ac duces induti, quod festum fatuorum, vel innocentum seu puerorum in quibusdam regionibus nuncupatur, alii larvales et theatrales jocos, alii choreas et tripudia marium ac mulierum facientes homines ad spectacula et cachinnationes movent, alii comessationes et convivia ibidem praeferant: haec s. Synodus detestans, statuit et jubet tam Ordinariis, quam Ecclesiarum Decanis et Rectoribus sub poena suspensionis omnium proventuum ecclesiasticorum trium mensium spatio, ne haec aut similia ludibria, neque etiam mercantias seu negotiationes nundinarum in Ecclesia, quae domus orationis esse debet, ac etiam coemeterio exerceri amplius permittant, transgressoresque per censuram ecclesiasticam, aliaque juris remedia punire non negligent.

<sup>27</sup> Mansi xxix. p. 110. Sess. XXIII., Decr. 1. *De electione summi Pontificis*. C. 2. The newly elected Pope was to make the profession, which follows in C. 3, before any obedience should be rendered to him. It is the same which had been already prescribed at Constance (§ 181, note 15), with additions. In this he first promises to provide for purity of doctrine, observance of church usages, the extermination of heresy, pro reformatione morum ac pace in populo Christiano. Then, juro etiam prosequi celebrationem Conciliorum generalium et confirmationem electionum juxta decreta sacri Basileensis Concilii. Upon every anniversary of his election or coronation this *Professio* was to be read over to him during mass by a cardinal, with the addition of the following exhortation: Curet igitur Sanctitas Tua, pro honore Dei, et salute animae Tuae, et utilitate universalis Ecclesiae praedicta omnia pro viribus observare bona fide, sine dolo et fraude. Recogites etiam, cujus vicem geras in terris, etc.—Memineris quid b. Petrus alique sibi succedentes Pontifices fecerunt, qui nihil aliud cogitabant, nisi honorem Dei, etc.—Noli Tibi aut Tuis thesaurizare in terris, etc.—In distribuendis dignitatibus et beneficiis non carnis, non munera, non quid aliud temporale, sed solum Deum, et virtutes atque hominum merita Tibi proponas. In corrigendis excessibus ecclesiasticam exerce disciplinam.—Pauperes autem ac miserabiles personas defende, juva et sustenta. Ad omnes autem paternam habe caritatem. Then follow express directions of the council how the Pope was to govern the Church and the States of the Church.

<sup>28</sup> Decr. 4. *De numero et qualitate Cardinalium*. Here the decrees of the council of Constance were first repeated (§ 181, note 19). Then an oath was prescribed for the newly appointed cardinals, and the cardinals were directed how they should provide for their *tituli*, support and counsel the Pope in the government of the Church, and how they should live. E. g. Si quando Papam (quod absit) negligentem aut remissum, seu agentem quae statum illius non decent, ipsi Cardinales inspexerint, filiali reverentia et caritate tanquam patrem obsecrent, ut officio pastoralis honorique ac debito suo satisfaciat. Et primo quidem aliquis vel aliqui de iis per se, deinde si se non corrigat, omnes collegialiter acceratis quibusdam notabilibus Praelatis, praedicientes, quod si non abstinuerit proximo generali Concilio deferant: nec pro salute ipsius Summi Pontificis et bono publico ejus odium vel quidquam aliud timeant, dum tamen reverenter et caritative id agant.

<sup>29</sup> Decr. 6. *De reservationibus* (compare above, note 20). Et quia multiplices Ecclesiarum et Beneficiorum hactenus factae per summos Pontifices reservationes non parum Ecclesiis onerosae extiterunt; ipsas omnes tam generales quam speciales sive particulares de quibuscumque Ecclesiis et Beneficiis, quibus tam per electionem, quam collationem, aut aliam dispositionem provideri solet, sive per Extravagantes *Ad regimen et Executionem*, sive per regulas Cancellariae, aut alias Apostolicas constitutiones introductas, haec s. Synodus abolet, statuens ut de caetero nequaquam fiant: reservationibus in cor-

decisive proceeding of the council brought on anew a sharp tension with the Pope, and both sides mutually complained of undue pretensions.<sup>30</sup> When the Pope now again made the negotiations

poro juris expresse clausis, et his, quas in terris Romanae Ecclesiae ratione directi seu utilis dominii, mediate vel immediate subjectis fieri contigerit, duntaxat exceptis. This was the very thing that the German nation at Constance (see § 131, note 18) had already demanded in their *Avisamenta* (v. d. Hardt, i. xxii. p. 999), but not obtained; see their concordat at Constance, cap. ii. (§ 131, note 19.)

<sup>30</sup> The Council of Basle had already labored long and vainly to bring the Pope to a formal adoption and observance of its decrees, especially the decree *de electionibus* (note 20), and with this end in view had sent several embassies to him (the names of the ambassadors may be seen in Mansi xxx. p. 1064). The speech of the fourth deputation, consisting of Jo. de Hungaria, Decr. Doctor, and Mag. Matthaeus Mesnage, who had an audience with the Pope, 14th July, 1435, is already full of reproaches and threats (Mansi xxx. p. 939): Si Sanctitas Vestra non servaret decretum de electionibus per sacrum Concilium promulgatum, timendum foret, quod infra decem aut quindecim annos s. catholica Ecclesia divisa reperiat in tot partes quot sunt dioeceses. Therefore the prayer was repeated, quatenus Sanctitas Vestra deinceps cum effectu servare et servari facere velit decreta edita et edenda per sacrum Concilium Basileense, et in contrarium attentata revocare, alioquin P. B. dicta sacra Synodus multiplicibus jurgiorum ac scandalorum crebris propulsata opprobriis, intendit dare operam efficacem, per quam decreta sua ab omnibus inviolabiliter observentur, etiam quacumque praeferant dignitate, prout ei possibile erit.—In omnibus autem Sanctitas Vestra velit sic agere, quod patres in sacro Concilio concipere valeant, Sanctitatem Vestram manutenere sacrum Concilium, et non per indirectum dissolvere. At the same time the deputation presented the decree *de annatis* (see note 25), exhorted him to observe it, and on this occasion declared: Sacrum Concilium omnino dispositum est, et jam laborat, per aliquem alium modum honestiorum Sanctitati Vestrae et Dominis Cardinalibus talem facere provisionem, de qua Sanctitas Vestra et Domini Cardinales merito poterunt contentari: praesertim autem si sacrum Concilium informatum fuerit, realiter et cum effectu Sanctitatem vestram decreta sacri Concilii Basileensis servare ab aliisque observari facere, et in contrarium attentata revocare. The Pope accordingly sent *oratores* to Basle to request (Mansi xxx. p. 946), quod aut suspendatur decretum de annatis, aut debita sedi Apostolicae fiat provisio: but they were told (p. 950) that such provision could only be made, si Summus Pontifex ipse circa synodalia decretorum observantiam animum, ut decet, inclinaverit. Then a new embassy to the Pope was resolved on, 20th January, 1436, which bore a still more decided message, and finally declared (see their instructions, l. c. p. 1064), quod sacrum Concilium non valens amplius ista tolerare, mittit dictos oratores, per quos sacrum Concilium rogat ipsum dominum nostrum,—ac solemniter et peremptorie requirit et monet, ut—velit a talibus penitus abstinere, ac efficaciter servare decreta istius sacri Concilii, et tenorem adhaesionis suae; et quod in testimonium hujus infra XXV. dies a die hujusmodi monitionis publice ac solemniter in Consistorio publico debeat facere legi litteras more Curiae Romanae bullatas infrascripti tenoris, mittendas infra [alios] XXV. dies ad sacrum Concilium, in generali congregatione seu sessione legendas. Quod si—praedicta non fecerit;—ipsum sacrum Concilium protestatur coram Deo et hominibus, quod sine alia dilatione et citatione—procedet contra ipsum juxta decretum Concilii Constantiensis. The formula which was appended to the bull required of the Pope runs thus (p. 1065): Omnes appellationes interpositas vel interponendas ad nos a sententiis latis per sacrum Concilium, vel Commissarios aut Judices ejusdem ipso durante, annullamus et irritamus, mandantes sub poena excommunicationis latae sententiae omnibus Judicibus et Commissariis auctoritate nostra deputatis, ne super illis procedere audeant. Revocamus etiam omnia gravamina, et quidquid factum est dicta auctoritate nostra contra tenorem nostrae adhaesionis, ac contra decreta ipsius sacri Concilii Basileensis: ratificamus et approbamus omnia decreta ipsius sacri Concilii Basileensis, et praesertim de elec-

for union with the Greeks a pretext for removing the council into Italy, where the Papal influence could be more powerfully exercised; and when the fathers of Basle, aware of the threatened

tionibus et de annatis: pollicemur, quod sine dolo et fraude illa manutenere et servare, etc. Then follows the *monitorium* to be delivered to the Pope, in which the causes of complaint against him are set down in detail. The following grievances belong to their number (p. 1067): quotidie nostrae a diversis personis ac pro variis causis aures pulsantur propter importabilia gravamina eis illata in derogationem per nos nostraque auctoritate gestorum, potissime quod adversum sententias hic latis, quae in rem transiverint judicatam, adversum ipsam etiam causarum pendentiam in hoc sacro Concilio, rescripta concesserit quotidie concedat, appellationes etiam a sententiis per hanc Synodum seu ejusdem Commissarios latis in Curia et extra commiserit et committat, lites propter hoc faciendum immortales, et divisiones quam plurimas seminando, necnon varia supplicata (*supplicata*) ab hoc sacro Concilio avocando, qui in agendo pro universali Ecclesia plurimum conferebant. We already find here, p. 1068: Intellexit a fide dignis plurimis a. Synodus, eundem Dominum Eugenium ad diversos reges et principes suos nuncios destinasse, ut in earundem annatarum perseverantia sibi adisterent. A letter of advice for the instruction of the Pope's nuncios about to be sent to the crowned heads, which was composed soon after this time, and adopted by the Pope (in Raynald, ann. 1436, no. 2 ss.), contains an express defense of the Pope, and a complaint about the entire method of proceeding and the decrees of the council. It was here set down as an unheard-of error of the members of the council of Basle (no. 3), Concilia generalia non suscipere auctoritatem et fundamentum a Christi Vicario; so that even, Romanus Pontifex, ut Praelatus Summi Pontificis Christique Vicarii in terris totaliter annihilare, et supremam potestatem ipsi a Christo datam in manibus multitudinis ponere: quod est non tam erroneum, quam etiam ab omni doctrina ss. Patrum totaliter alienum, immo toto statu catholicorum Principum valde perniciosum, quoniam pari modo possent eorum populi, si congregarentur, supra eos praetendere potestatem. The *Decretum de annatis*, it is added, was made (no. 4)—in grave praesudicium et depressionem Apostolicae sedis, cum a tanto tempore, de cujus contrario non est memoria, et per multa retro saecula (! see vol. iii. § 103, note 26; § 105, note 3), Summus Pontifex—in pacifica fuerit possessione de levandis annatis:—utpote quae nunquam fuerint per aliquod Concilium revocatae, immo potius in generali Viennensi (!) et Constantiensi Concilio susceptae.—Cardinales etiam S. R. E. et caeteri Curiales Romanae Curiae—in praesentia S. D. N. publice sunt protestati,—affirmantes, quod si decretum hujusmodi tam praecipitanter factum debebat observari, compellebantur relinquere sedem Apostolicam et ejus servitium. The Basle council, also, had never thought in earnest of any other *provisio* for the Pope. However, in no. 6, there was a well-grounded complaint made, that the council unduly interfered in the administration of the Church: Illud summe advertendum est, et ad quos omnis Principum consideratio se convertere debet, quod ii, qui Basileae sunt, omnia administrant et faciunt tam in spiritualibus quam in temporalibus quae spectant et pertinent ad exercitium supremi in Ecclesia Principis, quoniam minores causas agunt, de causis confirmationis cognoscunt, postulationes, quae soli gratiae nituntur, et quos solus Papa consuevit admittere vel rejicere, non solum in Concilio recipiunt, immo eas contra provisiones Apostolicae sedis admittunt,—de canonizationibus Sanctorum cognoscunt, beneficia et officia—dant, pensiones super beneficiis imponunt, confessionalia concedunt more Romanae Curiae, ab omnibus peccatis absolvunt,—dant indulgentias,—faciunt Doctores in omni facultate nullo vel modico examine praevio, cum illegitimis dispensant ad ordines, dignitates et haereditates, plerisque pallium conferunt, Episcopos consecrari praecipiunt,—in gradibus a jure prohibitis dispensant ita faciliter, ut repertum sit, dispensatum esse per unum Praelatum in secundo gradu consanguinitatis auctoritate, ut dicebatur, Concilii.—Quae omnia nullum unquam generalium Conciliorum—facere praesumpsit, etc.—Accordingly, the legates were to require the princes to take active measures, no. 14,

danger, stoutly rejected all these proposals,<sup>31</sup> the breach between the two parties soon became decisive. In Sess. XXVI., 31st July, 1437, the council placed the Pope under impeachment;<sup>32</sup> Eugene

vis. if the council of Basle refused to give way (*sceto*), ipsi Principes velint suos oratores de Basilea revocare, necnon etiam Praelatos eorum et subditos tam ecclesiasticos, quam saeculares. Very characteristic is the close of these instructions (no. 16), in which the legates are charged with a particular message to win the Emperor's good-will, and another to win the King of France. Then: Similiter unicuique Regi et Principi specialia quaedam dici poterunt pro majori parte, prout erit expediens, quae ipsimet nuntii pro eorum prudentia scient reperire. Non esset etiam malum, quod nuntii—habeant aliquas particularitates etiam in foro conscientiae, ut possent gratificare Regibus et Principibus. Utile praeterea foret, si ii nuntii Apostolici secum portarent sub bulla aliquam Curiae reformationem, quam Regibus et Principibus praesentarent. Hoc enim baculo adversarii nostri semper nos invadunt et percutiunt, quia dicunt multa in Romana Curia fieri, quae egent magna reparatione, nec illa tamen corriguntur. Per hanc reformationem, etiam si usquequaque plena non foret, modo essent aliqua, eorum ora obstruerentur, qui continue lacerant et carpunt Romanae Curiae famam,—redderenturque tunc Reges et Principes melius aedificati, et magis prони ad condescendum petitionibus Domini nostri Papae, etc.

<sup>31</sup> After negotiations had already begun between the Pope and the Greeks, Greek ambassadors appeared at Basle in 1434, and proposed as fit places for the council which was to be held (Sess. XIX., in Mansi xxix. p. 94) Calabria, Ancona, vel alia terra maritima, Bononia, Mediolanum, vel alia civitas in Italia: extra Italiam Buda in Hungaria, Vienna in Austria, et ad ultimum Sabaudia. The council determined (p. 95) to send ambassadors to Constantinople, who were to persuade the Emperor in favor of Basle; but if they could not, to declare themselves ready to choose one of the above-mentioned places. However, the Patriarch of Constantinople informed the ambassadors (Raynald. 1435, no. 8) that it was necessary, ut statuatur beatissimum Dominum Papam in meditata oecumenica Synodo interesse personaliter, et non repraesentative, electo et statuto loco congruente et commodo pro quiete dicti beatissimi Domini Eugenii et nostra. Thereupon, in Sess. XXV., 7th March, 1437, the *duplo major pars* of the synod decided for Basle, Avignon, or Savoy, and so indeed (Mansi xxix. p. 134), quod apud Imperatorem—et alios Graecos diligens et debita fieret instantia,—ut ex diversis bonis respectibus civitatem Basileensem acceptarent pro dicto oecumenico Concilio ibidem celebrando; quam si eos omnino recusare contingeret, extunc civitas Avinionensis locus esset—Concilii.—Si tamen illud in eadem celebrari non posset, extunc in Sabaudia Concilium celebraretur antedictum. The minority of the synod, with the Papal legates at their head, drew up another decree on the same day in the name of the synod (in Raynald. 1437, no. 7), ut videlicet civitas Florentina aut Utinum in patria Forijulii ponenda in manu Concilii, seu quicumque alius locus tutus in decreto (Sess. XIX., see above) comprehensus Summo Pontifici et Graecis accommodus pro oecumenico Concilio eligatur, and the Pope immediately confirmed this last decree by a bull dated 29th June (in Raynald. 1437, no. 8). Aeneas Sylvius, as an eye-witness, gives a lengthened description of the stormy Session XXV. in a letter first published by Mansi xxxi. p. 220.

<sup>32</sup> Mansi xxix. p. 137 ss. Here the only reason given is disregard of the reformatory decrees of the Basle Council: Ille, qui primus haec exequi debuerat, quemque et Christi praecepta et canones sacrorum Conciliorum prae caeteris servare oportuerat, immo et caeteros ad horum observantiam efficaciter inducere, nulla unquam monitione, nulla exhortatione induci jam longo tempore potuit, ut aliquam morum emendationem Christo placentem, aut notissimorum abusuum correctionem in Ecclesia sancta Dei efficere scitaret. Quin potius conspicit universus orbis, sub ejus regimine majora semper scandala gravioraque exoriri. Of these there is a long catalogue. Non autem solum in rerum spiritualium regimine hanc ipsam ruinam consideramus, sed et in gubernatione temporalium dominiorum s. Romanae Ecclesiae notorios defectus attendimus.—Quantas

removed the council from Basle to Ferrara by a bull dated 18th September, 1437,<sup>33</sup> and actually opened a new synod for 8th January, 1438. The council, in reply, pronounced upon him sentence of suspension in Sess. XXXI., 24th January, 1438.<sup>34</sup> This was at the same time the last session in which a few more reformatory decrees were passed, in order to limit the number of causes dependent upon Rome,<sup>35</sup> and effect a worthier occupancy of ecclesiastical offices;<sup>36</sup> for henceforth the energies of the synod were exclusively absorbed by the controversy with the Pope.<sup>37</sup>

enim terras ipse Dominus Eugenius alienaverit, quantaeque ejus incuria et insolerti regimine deperditae et occupatae sint,—notoria facta testari videntur. Accordingly the Pope to answer for himself within sixty days, and requires the cardinals, under pain of punishment, ut infra eundem terminum in hac civitate Basileensi compareant, saluti s. matris Ecclesiae cum caeteris in Synodo congregatis consulturi et opportune provisuri, prout Spiritus Sanctus dictaverit. <sup>33</sup> In Harduin, ix. p. 698.

<sup>34</sup> Sess. XXVIII., 1st October, 1437, he was declared contumacious (Mansi xxix. p. 147). Sess. XXIX., 12th October, the removal of the council to Ferrara was declared invalid, and all the prelates were commanded to repair to Basle. Sess. XXXI. there followed the suspension (Mansi xxix. p. 168): s. Synodus praedictum Eugenium P. IV. manifestum contumacem, et in aperta rebellione persistentem, ac notorie incorrigibiliterque Ecclesiam Dei scandalizantem—ab omni administratione Papatus in spiritualibus et temporalibus suspendit.—Omnem autem ipsius Papatus administrationem—eadem s. Synodus ad seipsam decernit ac declarat esse devolutam.

<sup>35</sup> Sess. XXXI., decr. 1, *de causis* (Mansi xxix. p. 159):—Inoleverunt hactenus intolerabilium vexationum abusus permulti, dum nimium frequenter a remotissimis etiam partibus ad Romanam Curiam, et interdum pro parvis et minutis rebus ac negotiis quamplurimi citari et evocari consueverunt, atque ita expensis et laboribus fatigari, ut nonnunquam commodius arbitrarentur juri suo cedere, aut vexationem suam gravi damno redimere, quam in tam longinqua regione litium subire dispendia. Sic facile exitit calumniosis opprimere pauperes, sic beneficia ecclesiastica plerumque minus juste per litium anfractus obtenta sunt, dum justis possessoribus eorum, seu quibus illa de jure competebant, neque opes neque facultates ad illos sumptus sufficere poterant, quos longinqua profectio ad Romanam Curiam et litis agitatio in eadem deposcebat. Accordingly the council decrees, quod in partibus ultra quatuor diaetas a Romana Curia distantibus omnes quaecumque causae, exceptis majoribus in jure expresse enumeratis, et electionum Ecclesiarum cathedralium, et Monasteriorum, quas immediata subjectio ad sedem Apostolicam devolvit, apud illos judices in partibus, qui de jure aut consuetudine praescripta vel privilegio cognitionem habent, terminentur et finiantur. Et ne sub umbra appellationum, quae nimium leviter, et nonnunquam frivole hactenus interponi visae sunt, atque etiam in eadem instantia ad prorogationem litium saepe multiplicari, materia fovendis injustis vexationibus relinquatur; statuit eadem s. Synodus, quod si quis offensus coram suo iudice habere non possit justitiae complementum, ad immediatum superiorem per appellationem recursum habeat: nec ad quemcunque, etiam ad Papam, omisso medio, neque a gravamine in quacumque instantia ante diffinitivam sententiam quomodolibet appelletur, nisi forsitan tale gravamen extiterit, quod in diffinitiva sententia reparari nequiret: quo casu, non alias, ad immediatum superiorem licet appellare. Si vero quispiam a sedis Apostolicae immediate subjecto ad ipsam sedem duxerit appellandum, causa per rescriptum usque ad finem litis inclusive in partibus committatur: nisi forte propter defectum justitiae, aut justum metum, etiam in partibus convicinis,—apud ipsam sedem foret merito retinenda.

<sup>36</sup> Decr. 2. *De Collationibus beneficiorum*. The Roman pontiff was to grant no more



It was now the interest of the secular princes to secure for their national Churches the reforming decrees of Basle,<sup>38</sup> but also at the same time to avert the impending schism. Charles VII, King of France, was indeed dissatisfied with the decrees of Basle against the Pope; but he adopted for the French Church the reformations of this synod with certain modifications, in the *Pragmatic Sanction of Bourges*, 7th July, 1438,<sup>39</sup> and he disowned the synod of Ferrara. In Germany, during the vacancy of the Imperial throne, the electoral princes labored to mediate between the contending parties, and, with a view to effect concessions more readily, on the day before the election of Albert II., 17th March, 1438, they declared the German Church neutral.<sup>40</sup> Nevertheless the advantages of the Basle reforms were likewise secured to it by a *deed of acceptance*, executed by the Emperor and Empire at Mayence, 26th March, 1439.<sup>41</sup>

*gratias expectativae*, likewise no *reservations particulares* were to be made. Decr. & *Qualificationes et ordo in conferendis beneficiis per ordinarios*. Every cathedral church was to have one Theologus, a third part of the prebendal stalls were to be filled up with graduates; only persons thus qualified might be made parish priests in the towns, and ad minus qui per tres annos in theologia, vel in altero jurium, seu magistri in artibus, qui in aliqua Universitate privilegiata studentes fuerint, et hujusmodi gradum adepti fuerint.

<sup>37</sup> Joannes de Polemar gives a description of this controversy, in favor of the Pope, in a work written A.D. 1443 (Mansi xxxi. p. 197 ss.): there is another in favor of the council by Nicholaus de Tudesco, Archiepisc. Panormitanus (well known as a canon-lawyer under the name Abbas or Panormitanus), l. c. p. 205 ss.

<sup>38</sup> Although John Nider, a Dominican, who was very zealous at the council, did not expect much therefrom. In his *Formicarius* (or *De Visionibus ac Revelationibus*, ed. v. d. Hardt, Helmst. 1692, 8.), composed A.D. 1437, lib. i. c. 7, p. 96, he makes Piger inquire with reference to the Council of Constance and the praesens Basileense Concilium, quod pene in omnium bullarum suarum praeferebat exordio reformationis titulum,—utrum de totali reformatione Ecclesiae in membris et capite aliquam spem habere possimus. The Theologus answers: Non omnino frustra celebrata fuerunt duo ista Concilia.—De totali autem, quam depingis, reformatione Ecclesiae ad praesens et ad propinquam futura tempora nullam penitus spem habeo. Tum quia voluntas bona in subditis deficit, tum quia illud Praelatorum malitia impedit, tum etiam, quia illud electis Dei, qui persecutionibus malorum probantur, non expedit.

<sup>39</sup> *Pragmatique Sanction*, or, *La Pragmatique de Bourges*, ed Pinson, Paris, 1666, fol., in the *Ordonnances des Rois de France de la troisième Race*, vol. xiii. p. 267, and in Munch's *Sammlung aller altern und neuern Konkordate*. Th. i. s. 207 ff. cf. *Histoire contenant l'origine de la Pragmatique Sanction*,—comme elle a été observée, et les moyens dont les Papes se sont servis pour l'abolir, in the *Traitez des Droits et Libertez de l'Eglise Gallicane*. t. i. 1731, fol.

<sup>40</sup> See the Protest in Joh. Joach. Müller's *des Heil. Röm. Reichs deutscher Nation Reichstags-theatrum wie selbiges unter Keyser Friedrichs V. allerhöchsten Regierung gestanden* (Jena, 1713, fol.), Th. i. s. 80.

<sup>41</sup> The *Instrumentum acceptationis* was rescued again from long oblivion, and published by Horix, a privy councilor of Mayence, in the *Concordata Nat. Germ. integra*. Francof. et Lips. 1763, 4, better in the *Conc. Nat. Germ. integra variis additamentis illustrata*

The council seems to have been misled by the universal approbation which this reform met with to overestimate its moral power. It refused every approach to concession;<sup>42</sup> it proceeded in its attack upon Eugene IV.; in Sess. XXXIV., 25th May, 1439, it pronounced sentence of deposition upon him,<sup>43</sup> and on 17th November, 1439, elected by commission Amadeus VIII., duke of Savoy, to be Pope by the name of Felix V.<sup>44</sup>

This rash proceeding,<sup>45</sup> by which, so soon after the toilsome con-

(*Francof. et Lips. 1771, 8 tomi 8.*) t. i. p. 88 ss. The best edition, given according to the original in the electoral archives at Mayence, with the requisite explanations, is the *Sanctio Pragmatica Germanorum illustrata* ed. Christoph. Guil. Koch. Argentor. 1789, 4. p. 93 ss. *Munch's Sammlung aller ältern u. neuern Konkordate.* Th. i. s. 42 ff.

<sup>42</sup> Cf. Aeneae Sylvii *Commentariorum de Gestis Conc. Basileensis*, libb. ii., written A.D. 1444, in favor of the council; it embraces the years from 1438-1440. The *Epist. ad Joannem de Segovia de coronatione Felicis*, which is appended, was often reckoned as lib. iii. Both works may be found in the *Fasciculus Rerum Expetendarum et Fugientiarum*, p. 1 ss., and are also published by themselves, Basil. 1577, 8. Cattopoli, 1667, 4. According to Aeneas Sylvius the nobles might have hindered the schism by unanimous co-operation; compare his remarkable expression, A.D. 1438, to Gaspar Schlick, the Emperor's chancellor, Ep. 54: *vidi quid Reges scribunt ex copiis literarum, nec despero rem posse bene conduci, si aggredi velimus negotium. Omnibus enim, ut vides, diaplicet schisma, omnes abhorrent. Viam autem sopiendi hoc malum Carolus Rex Franciae nisi fallor et tutam et brevem ostendit, ut fiat conventus Principum vel eorum oratorum in communi aliquo loco, ibique una recipiatur conclusio per omnes.—Haec via non posset impediri: nec Papa, nec Concilium reniti possent, tanquam hoc absque ipsis fieri nequiret. Licet enim Principibus saecularibus convenire invito Clero, et tamen illic unio fieri posset. Nam ille Papa indubitatus esset, cui omnes Principes obedirent. Non video Clericos, qui velint pro ista vel illa parte martyrium ferre. Omnes hanc fidem habemus, quam nostri principes: qui si colerent idola, et nos etiam coleremus. Et non solum Papam sed Christum etiam negaremus saeculari potestate urgente, quia refriguit caritas, et omnis interiit fides. Utcunque sit, pacem desideramus, quae sive per aliud Concilium, vel per conventum Principum detur, nihili pendo.*

<sup>43</sup> *Mansi xxix. p. 179 ss.* S. Synodus pro tribunali sedens per hanc suam sententiam diffinitivam—pronuntiat, decernit et declarat, Gabrielem prius nominatum Engenium P. IV. fuisse et esse notorium et manifestum contumacem, mandatis seu praeceptis Ecclesiae universalis inobedientem, et in aperta rebellionem persistentem, violatorem assiduam atque contemptorem sacrorum canonum synodaliū, pacis et unitatis Ecclesiae Dei perturbatorem notorium, universalis Ecclesiae scandalizatorem notorium, simoniacum, perjurum, incorrigibilem, schismaticum, a fide devium, pertinacem haereticum, dilapidatorem jurium et bonorum Ecclesiae.—Quem propterea eadem s. Synodus a Patu et Romano Pontificio ipso jure privatum esse declarat, etc.

<sup>44</sup> Cf. Aeneae Sylvii *Commentar.* (See note 42.)

<sup>45</sup> That the proceedings at Basle were carried on in a passionate and by no means exemplary manner may be understood from the foregoing facts. Compare Jo. de Polemar (see note 87), in *Mansi xxxi. p. 202*: *Nullibi pejus decreta Basileensium quam Basileae servata sunt. Formula illa morum, in cibus, in vestibus, in familiaribus, in falleris (phaleris) equorum, in modo vivendi et procedendi, in deputationibus, in congregatione generali fuitne unquam servata? Qualiter supplicationes, et alia per deputationes expedita sint temere, immoderate, prout quilibet plus poterat aut per clamores et impressiones, aut multitudinem votorum, non advertendo quid expediat, sed omnia passim concedendo, ea praesertim quae sedes Apostolica repulerat,—pudet referre. Mittunt utique nuncios cum facultatibus, quae nec legatis de latere per sedem Apostolicam*

clusion of one wearisome schism, another was introduced, damaged the cause of the council in an extraordinary degree. Felix V. was recognized in a few countries only. By the departure and dissatisfaction of many of its members the council lost more and more of its consequence and weight, and from the 16th May, 1443, when it held its forty-fifth and last session, it existed only in name.<sup>46</sup> Eugene would have had an easy part to play against

tradi consueverunt. Si Diabolus a Basileensibus aliquid peteret et contra fas et jus; dummodo illis vellet assentire, facillime impetraret. Offerunt et ipsi et Antipapa eorum Regibus, Principibus, et Praelatis privilegia, facultates, dignitates, ut illis adsistant, etc.

<sup>46</sup> Aeneas Sylvius, *Descript. Germaniae*, c. 10, describes the part taken by the different nations in this schism: Gallia quidem, atque Hispania, Italia quoque, Ungaria et Anglia Eugenium sequebantur: Sabaudia, Suicenses, Basilienses, Argentinenses, ac ex Saxonia Caminenses, simulque de ducibus Bavariae Albertus Monaci Felici obediebant. Rex Aragonum et Siciliae Alphonsus, Polonique et Britones nec Eugenio nec Felici, sed Concilio Basileensium auscultabant. Reliqua Germania neutralitatem quandam induit. Joannes de Polemar (see note 37) thus describes the condition of the council in the year 1443 (*Mansi xxxi. p. 206*): Nulli Primates, Archiepiscopi, et Episcopi orbis Antipapas adhaeserunt, exceptis paucissimis illis de Pedemontium et Sabaudiae, quos non veritas trahit, sed metus et subjectio compellit, ac illis tanti sceleris patratioribus Basileae existentibus, quorum nomina opportunum est inserere, ut pateat, qui et quales sint, qui Ecclesiam perturbant. Arelatensis Episcopus (Lewis Allemand, archbishop of Arles and Cardinal, president of the council), Gratianopolitanus Episcopus (of Gr noble), Basiliensis Ep., Ep. Aquensis, Marsiliensis sine possessione Episcopus, Lacusanensis sine possessione, Ep. Argentinensis titulus, Ep. Grossetanus titulus. Fuerunt etiam duo Episcopi de Arragonia, quos D. Rex tenebat ibi, ut terreret S. D. N. ne esset sibi adversarius in regno Neapolitano. Fuerunt autem pauci quidam Abbates de dioecesi Basiliensi, metu ibi manere compulsi; fuerunt quidam Monachi apostatae et fugitivi, et nonnulli vel notarii vel copistae, et quidam alii vix in sacris constituti nullius aestimationis, qui quidem nec in dioecesis nec in provincialibus Conciliis de jure vel consuetudine admitterentur, qui Basileam ad hoc profecti fuerant, et ad hoc morabantur, ut effugerent superiorum suorum correctionem, vel ut alios litibus vexarent, vel ut scandalum aliquod perpetrarent, etc. Ever since the year 1437 many influential bishops had separated themselves from the council, and the lower clergy had the ascendancy there. Against this Nicholas Panormitanus (comp. note 37) declared, indeed, A. D. 1439, when he pleaded for delay in the proceedings against the Pope (see *Aen. Sylv. de Conc. Basil. lib. i. ed. Cattop. 1667, p. 36*): Si Episcopi et Abbates computarentur, nemini dubium esse, quin major pars differri praesentem rem vellet. Cumque totius potestas Concilii in Episcopis resideret, haud ferendum esse, ut eis spretis, quod majori parti inferiorum placeret, id concluderetur. But the Cardinalis Arelatensis controverted him with some passages of Augustine and Jerome (l. c. p. 43): si, prout Hieronymo placet, Episcopi sunt sola consuetudine praelati Presbyteris, utique fieri potest, ut consuetudinem contraria tollat consuetudo: at si Presbyteri debent Ecclesiam Dei cum Episcopis in commune regere, satis notum est, quod ad eos quoque decidere res spectat Ecclesiae dubias.—Si soli Episcopi vocem habeant, id demum fiet, quod nationi placebit Italicae, quae sola nationes alias in numero Episcoporum aut superat aut aequat. Utcumque est, opus Dei hac vice fuisse autumo, ut inferiores ad decidendum reciparentur: revelavit enim ea nunc Dominus parvulis, quae sapientibus abscondit. En horum inferiorum nolum, constantiam, rectitudinem, magnanimitatem videtis. Ubi nunc Concilium, si soli Episcopi, solique Cardinales vocem habuissent? Ubi nunc Conciliorum auctoritas? Ubi fides catholica? ubi decreta? ubi reformatio? Nempe omnia libidini Eugenii et

his adversary Felix, if he had not resolved to attack at the same time the reformatory decrees of Basle, which had been already acknowledged by the two most powerful kingdoms of Christendom. As these had found among the higher orders of the clergy their most determined supporters, the Papal policy was so directed as to win the secular princes to its aims. In France, Eugene was obliged to be content that Charles VII. should remain as true to him as to the Pragmatic Sanction.<sup>47</sup> In Germany, he might hope for better success from the weakness of the new Emperor Frederick III. (since 1440) and the divided state of the country. And those unwonted privileges which he granted to the Duke of Cleves (A.D. 1444),<sup>48</sup> to the detriment of the Archbishop of Cologne and the

tameritati jam diu commissa fuissent; victorque nefandissimi propositi sui ille fuisset, nisi quos modo spernitis inferiores sibi restitissent. Hi sunt, qui privationem ab Eugenio factam contemperunt: hi sunt, qui minas, qui spolia, qui persecutiones ipsius flocci fecerunt, etc. Afterward, A.D. 1452, the then converted Aenas Sylvius, in his *Oratio adv. Austriales* (in *Muratorii Anecdota*, t. ii. p. 162), even says: *Inter Episcopos, caeterosque Patres conscriptos vidimus in Basilea coquos et stabularios orbis negotia judicantes. Quis horum dicta vel facta judicaverit legis habere vigorem?* This composition of the council has always been with the Ultramontanes a principal argument against its validity.

<sup>47</sup> Eugene expressed his opinion of the Pragmatic Sanction in a letter to the King, when a bishop was elected at Angers according to its regulations, although the Pope wished to *provide* in the way hitherto customary (*Raynald. ann. 1439, no. 37*): *Quod vero scribitur ordinationes Biturici confectas (te) velle manutenere, a certo tenemus scriptum esse te inscio et invito. Nam cum pro tua sapientia dudum, cum illae ordinationes fierent, consulisses viros nonnullos timentes Deum, et bonos viros ac doctos, quid de illis sentirent, atque ii tibi respondissent, eas esse contra Deum, contra aequitatem injustas, et contra salutem animae tuae; mirandum esset—te velle eas ordinationes servare, quae essent iniquae et in animae tuae praejudicium factae.* When, in the year 1440, ambassadors came from Eugene and the council to a new synod at Bourges, and the former desired the abolition of the pragmatic sanction, they received the following answer from the King, after he had taken council with his bishops and other magnates (*Preuves des libertez de l'église Gallicane, chap. xx. no. 28*), *quod Rex tenuerat Concilium Basileense pro Concilio, ad ipsum Ambassiatores miserat; multa bona pro fide et moribus constituerat, quae Rex approbat; nec unquam congregatum Ferrariense pro Concilio habuerat aut habebat. Quoad depositionem Eugenii, et electionem Felicis, numquam eas adprobaverat, aut approbat: immo tenuerat Dominum Eugenium pro Papa, et adhuc tenebat, et volebat, quod sibi in suo regno obediretur, nisi aliud in Concilio generali, celebrando juxta annum in aliquo loco Galliarum, fuisset ordinatum, et quod requirebat Papam, quatenus illuc mitteret dictum Concilium, et convocaret, et celebrari procuraret, et quod in eo personaliter interesset.—Quoad Pragmaticam Sanctionem, eam inviolabiliter volebat observari et custodiri. Et si aliqua videntur nimis rigida, in illo generali Concilio Basileensi possent moderari.*

<sup>48</sup> See the remarkable bull addressed to the Bishop of Utrecht, dd. 17. Kal. Febr., 1444, in *Leibnitii Mantissa Codicis Juris Gentium diplomatici*. P. ii. p. 168: *Pastoralis officii desuper nobis divina providentia commissi debitum postulat et requirit, ut contra nostrorum et Romanae Ecclesiae rebellium tameritatem eorum, qui in nostra et sedis Apostolicae obedientiae devotione et fide firmi et immobiles permanserunt, statui et quieti animarumque saluti salubriter consulamus. Exhibita siquidem nobis pro parte dilectos*

Bishop of Munster, who were both against him, are a proof how earnestly he strove in this country to win over the powerful nobles. He did, indeed, overestimate his power in Germany, when he ventured in 1445 to pronounce sentence of deposition against the Archbishops of Treves and Cologne, as decided adherents to the Council of Basle,<sup>49</sup> for this step induced the electoral princes to unite at Frankfort-on-Maine (21st March, 1446) in some decisive demands upon the Pope.<sup>50</sup> However, the Emperor, who

rum filiorum, nobilium virorum, Adolphi Ducis Clyphensis, et Johannis ejus primogeniti, petitio continebat, quod cum tam saeculares quam ecclesiasticae personae, necnon collegia—et alia loca ecclesiastica in suis dominiis et terris in Coloniensi et Monasteriensi diocesi consistentia, pro eo quod Archiepiscopus Coloniensis nobis et Apostolicae sedi inobediens et rebellis existit, et iniquitatis filius Henricus, qui se gerit pro Episcopo Monasteriensi, damnationis filio Amedeo, olim Duci Sabaudiae, qui se Felicem V. ausu sacrilego nominare praesumpsit,—adhaerere praesumpsit, plurima in spiritualibus et temporalibus detrimenta sustineat: pro parte dictorum Ducis et primogeniti nobis fuit humiliter supplicatum, ut eorum subditorum suorum statui et saluti providere misericorditer dignemur. Nos igitur—omnia et singula, personas, collegia, capitula, monasteria, Ecclesias et loca quaelibet ecclesiastica, dominia, terras et loca supradicta, donec aliud super hoc duxerimus disponendum, *ab omni jurisdictione, potestate, et superioritate spirituali Coloniensis Archiepiscopi et Episcopi Monasteriensis eximentis et liberantes, Fraternalitati tuae unum Episcopum*, etiam titularem,—qui in dictis dominiis,—Clericos ordinare,—omnemque spirituales jurisdictionem, quae Archiepiscopi Colonienses et Episcopi Monasterienses pro tempore inibi habere et exercere consueverunt,—exercere valeat, necnon contra omnes et singulas personas,—quae schismatis labe infecta essent, aut praefato Amedeo quomodolibet adhaerent seu faverent,—inquirere et procedere—possit,—*deputandi, et illum amovendi, aliumque sui loco ponendi, quotiens pro parte dictorum Ducis et primogeniti fueris requisitus*, auctoritate praefata, tenore presentium, concedimus facultatem. Volentes similiter et tibi eisdem auctoritate et tenore concedentes, ut *omnia et singula* dignitates, personatus,—monasteria,—caeteraque *beneficia ecclesiastica* quaecumque in dictis dominiis—nunc vacantia et imposterum—vacatura,—quae in turno sive mense Ordinariorum vacare contigerit, dummodo non sint sedi Apostolicae reservata, *personis idoneis per ipsos Ducem et primogenitum tibi nominandis—conferre et de illis providere—libere et licite valeas*. Hence rose the proverb: Dux Cliviae est Papa in suis terris; see Wern. Teschenmacheri Annales Cliviae, Juliae, Montium et Marcae Westphalicae, ed. J. Chr. Dithmar. Franc. et Lips. 1729, fol. p. 294.

<sup>49</sup> See the brief to the bishop of Utrecht, dd. 9th Febr., 1446 (in Raynald. ad h. a. no. 1): Nuper iniquitatis filios Theodoricum de Moerssem, olim Coloniensem, et Jacobum Sirik, olim Treverensem, Archiepiscopos, tamquam haereticos et schismaticos, nostrosque et Romanae Ecclesiae rebelles ex justis et urgentibus causis omni dignitate archiepiscopali—privavimus,—ac privatos fore declaramus: et deinde ad provisionem earundem Ecclesiarum—paternis et sollicitis studiis intendentes, Coloniensi Ecclesiae de persona dilecti filii Adolphi Clivensis duximus providendum, ad Ecclesiam vero Treverensem veneratrem nostrum Joannem tunc Cameracensem Episcopum de fratrum consilio auctoritate Apostolica transtulimus.

<sup>50</sup> The acts of this electoral league may be seen in Müller's Reichstagstheater, Th. 1, s. 278, and, edited from the originals, in Gudeni Codex diplomaticus Anecdotorum, t. iv. p. 290 ss. The electoral princes here resolved: Zu dem Ersten, das Babst Eugenius die Decreta in dem Concilio zu Costentz gesatzet, und in dem Concilio zu Basel ernuert, inhaltende die Gewaltsam der gemeynen Concilien erkennen u. veriehen solle von worten zu worten, als die Forme daruber begriffen innheldet. Item das Babst Eugenius der

looked with displeasure upon this partial alliance of the electors, managed, by help of the arts of his crafty private secretary, Aeneas Sylvius, to effect that the greater number of the princes of the Empire at the Congress of Frankfort (September, 1446) should

Stette eyne, namlich, Costentz, Strasspurg, Worms, Mentz, oder Triere benenne, dahin er ein gemeyn Concilium beruffe, angehende uf den ersten tag des Meyen, Anni 1447. In welchem Concilio erclert werden solle die Zweitracht in der H. Kirchen, von des Babstums wegen und auch sust entstanden; Und das solich Bulle unsern Herren den Kurfursten geantwort werde uf den Tag gen Frangfurt, hietzuschen u. Kalendas Septembris nechstkommende, als auch ein Forme daruber begrieffen innheldet. Item das er Bullen gebe von den Decreten des Concilii zu Basel, mit solichen underscheiten, und in massen die durch Kunig Albrecht seligen und UU. HH. die Kurfursten zu Mentse aufgenommen worden sint (see note 41), Versehunge gegen die Nuwekelten, die dazuschen, als die Protestation (see note 40), hat gewehret, und noch wehren wirdet, gescheen weren, oder noch gescheen, und auch den Versorgnissen nach notdurfft unser Nation, als das in Schriften begrieffen ist. Und so Babst Eugenius solichs also getan, und die Bullen uf die gemelten Zit ungeverlich also unseren Herren geantwort hedte, so salte man Ine fur eynen Babat halten, und ime gehorsam sin: u. doch in dem kunftigen Concilio der Erclerunge der obgemelten zweitracht in der H. Kirchen entstanden, warten: Und was also in demselben Concilio wirdet ercleret, das sollen Electores eyntrechtlichchen ufnemen u. halten.—Und ob Babst Eugenius solichs nicht tun wolte, so were wol zu versteen, das er Fursatz hedte, die heiligen gemeynen Concilia und Iren Gewaltsam ewiglich zu verdrucken. So vermeynen unsere Herren, solichen Gewalt nit zu verdrucken lassen, sunder sollen das Concilium zu Basel fur ein war Concilium halten, und dem gehorsam sin; doch also, das das Concilium zu Basel unsern Herren eine Bulle gebe, darinn sie sich verschriben, das sie sich ufeyn zyt, und an ein Stat, die Ine unsere Herren die Kurfursten benennen werden, transferiren, und dahin ein Concilium setzen sollen; und das sie auch Bullen geben uf die Versorgniss, als die Schrifte daruber begrieffen innheldet: und das soliche Bullen uf Kalendas Septembris nechst kumpt zu Frangfurt unsern Herren ubergeben werden ungeverlich.—Item diewile unsere gnedige Herren den Wegk uff Babst Eugenium zum ersten furgenommen haben; wurde es sich dann also schickgen, das UU. HH., ob Er der sachen als obgeschriben steet nicht nachqueme, zu dem Concilio zu Basel slahen wurden, als sie auch alsdann tun sollen; sal das auch versorgt werden, das Babst Felix sich keyner presidentien—in dem Concilio zu Basel, ader in dem zukunfftigen Concilio—undertziehen ader annemen; Sunder das Concilium sal in allem sinem wesen alle Sache handeln u. furnemen, in aller masse, als sie vor getan haben ee Babst Felix gekoren was, bis also lang das solichs durch das zukunfftig Concilium, in bywesen unsers H. des Kuniges, so ferre er mit den Kurfursten daran sin wil,—wie mans damitde halten solle, gelutert u. erclert wurde. Wolte aber der Kunig mit den Kurfursten nit daran sin, so sal doch das also durch UU. HH. die Kurfursten gehalten, und dem nachgegangen werden.—Item so findet mann vil mutwilliger Lute, die unserer Herren Eynunge u. Protestation nicht geachtet han, sunder allerley Impetrirret.—Darumb haben sich UU. HH. vestiglich vereyniget, Welcher der were, der in der Protestation ichts impetrirret hedte, das widder die Protestation were,—das UU. HH., wan sie des—angeruffen wurden, den ader die, die solichs begangen hedten, in iren Landen nicht liden, sunder an der Lip u. Gut griffen, und dem Cleger getruwlich helfen, das solichs abgetan, und dem Cleger sin Koste u. schade nach redelichkeit gekart werde. True, the deposition of the two electoral princes is not here expressly mentioned, but it is emphatically enough disavowed; while the abrogation by a bull of all novelties, which had been introduced during the neutrality, since the protest, was required of the Pope, and powerful support assured to all the incumbents of ecclesiastical benefices against those who had sought the appointment to them during this period. *Aeneas Sylvii Hist. Friderici III. Imp.* (in *A. F. Kollarii Analecta Monumentorum omnis aevi Vindobonensia*, t. ii. p. 120 ss.): Eugenius cum accepisset, Theodericum Colonensem, et Jacobum Treverensem Ar-

declare themselves prepared for a modification of these demands,<sup>51</sup>

chiepiscopos et Electores Imperii Felicis fovere partes, nutrire neutralitatem, adversari Romanae sedi, ambos deposuit, et archiepiscopali dignitate privavit, quae res illi magno impedimento fuit. Nam bene nati praesules et amicis fulti, quamvis jure, non tamen facto Ecclesias dimittebant, et acrius Eugenii partes impugnabant. Horum igitur opera conventus apud Francfordiam inter Principes habitus est, in quo decretum est, nisi Eugenius depositionem Archiepiscoporum annullaret, decretum Constantiensis Concilii acceptaret atque profiteretur, Germanicae nationi oportune secureque et stabiliter provideretur; omnis natio ab Eugenio deficeret, Felicemque sequeretur. Hoc autem secreta inter se statuerunt, silentiumque jurejurando indixerunt, mittentesque ad Caesarem Legatos, ea lege aperire jusserunt mandata Caesari, ut non amplius quam sibi et sex consiliariis patefacerent. Erat autem mens eorum Legatos eosdem ad Eugenium mittere, qui haec peterent, orabantque Caesarem, ut amplecteretur eorum viam, atque cum his mitteret.—Legatis Principum dixit Caesar, non placere sibi depositionem Archiepiscoporum, neque surrogatos eis Gallicos, bene facere Principes, qui eorum indemnitati et nationis utilitati consulerent, velle se ad haec concurrere et mittere ad Eugenium cum eis: illud autem indignum esse, quod se Papae iudices constituerint, cum dicerent, nisi sperata fecerit, ab eo se defecturos, quasi non Papam et Papam esse in eorum arbitrio resideret. The ambassadors of the electors, among whom Gregory of Helmburg, syndic of Nuremberg, was the most eminent, immediately started for Rome; Aeneas Sylvius, as Imperial ambassador, went before them. Caesar vocato Aenea Senensi secretario suo, secreta Principum ei aperuit, jussitque Papam accedere, ac viam pacis ei suadere, pericula exponere et mentem Principum, orare, ut Electores suos restitueret: Caesarem sibi in omni re auxilio futurum. Aeneas now declared to the Pope, at a private audience, in the Emperor's name: Videri necessarium Archiepiscopos restitui, non autem caesari privationem. Tum nationi oportune provideri. Deinde decretum *Frequens* Constantiensis Concilii (§ 131, note 15) recipiendum esse. Ea si Eugenius faceret, futurum, ut tota natio et neutralitatem deponeret, et ad Eugenii rediret obedientiam. Sin autem, quamvis Caesar nunquam Eugenium deserturus esset, tamen Electores mala esse mente multa machinatos mala, timendumque grande schisma. The Pope acceded to these proposals, and declared to the electoral ambassadors, quia mandatum non haberent tractandi et concludendi quae oporteret, missurum Eugenium ad conventum Electorum, responsurumque petitionibus eorum pro dignitate Romanae sedis. This was accordingly done at Frankfort.

<sup>51</sup> Aeneas Sylvius, l. c. p. 125: Omnis Caesaris cura in eam diastem collata erat. Nam sex Electores obligati simul adversus Eugenium videbantur Caesarem spernere, itaque summum Caesari studium erat, foedus Electorum solvere, et aliquem ad se trahere, ut Eugenio et sibi consuleret. Contra enim omnes Electores nihil audebat agere, neque adversari Eugenio volebat. Itaque neque solus Eugenium sequi audebat, neque cum Electoribus illi adversari volebat.—Eam ob causam legatis suis (among whom Aeneas was one) id mandati Caesar dederat, ut foedus Electorum omnino rumpere tentarent, et aliquos Electores ad se trahere studerent: quod si duos ex eis habere possent, declarationem pro Eugenio facerent, sin autem, declarationem omitterent. At first the legates of the Council of Basle seemed to have the ascendancy in Frankfort, the electoral ambassadors brought a very unfavorable report of their success at Rome. Exinde legati Caesaris summo studio conati sunt Maguntinum Archiepiscopum ex foedere caeterorum Electorum abducere, sic enim et Federicum, Marchionem Brandenburgensem, ab illis extraxisse putabant, qui fidem Archiepiscopi secutus foedus intrarat. Multa in eam rem practicata sunt. Johannes de Lisura foederis et auctor et defensor Maguntinum in sententia tenebat. Cumque res diu inutiliter tractaretur, ad pecuniam tandem recurrere oportet, cui rarae obaudiunt aures. Haec Domina curiarum est, haec aures omnium aperit, huic omnia serviunt. Haec quoque Maguntinum expugnavit. Non quod sibi quicquam promissum fuerit, sed inter quatuor ejus Consiliarios duo millia florenorum rhemensium erogata sunt, quae bono animo Caesar solvit, ne se spreto Electores ad partem Concilii Felicisve declinarent, quam summam Nicolaus postea per Aeneam Federico re-

and a German embassy started for Rome to tender obedience to Eugene, on condition that these limited demands were granted.<sup>52</sup> Even these conditions met with great opposition from one part of the cardinals;<sup>53</sup> and Eugene himself, while he seemed, in four bulls, to satisfy the demands of the Germans,<sup>54</sup> still reserved for

misit. Hi ergo Consiliarii non veritatis amore sed auri dulcedine pellecti Archiepiscopum Maguntinum ad voluntatem Caesaris inclinabant. Sed nolebat Pontifex ille juratum foedus abrumpere sine causa justa, quaerebatque modos honestiores. Cumque legati Caesaris non possent menti ejus satisfacere, Aeneas modum commentus est, qui receptis notulis, secundum quas se Principes obligaverant, nisi Eugenius illas admitteret, velle se eum deserere, omne venenum ex his ademit, novasque notulas composuit (this new compact, a modification of the electoral league, note 50, is printed under the name *Concordata Principum Francofordiensa*, in Würdtwein *Subsidia diplom. t. ix. p. 70*), per quas et Archiepiscopi depositi restituerentur (but without declaring their deposition null), et nationi oportune provideretur (but with the adoption of the Papal condition that "die würdige nation dem heil. Stuhl zu Rom, ohne der Stadt, ein wiederstattung thue"), et auctoritas concilliorum salvaretur (but the Council of Basle is dropped, for, though something is said of another council, yet nothing is said about its deciding between the Pope and the Council of Basle): illasque dixit sua opinione Eugenium non negaturum. —Eas igitur Maguntino ostenderunt, dicentes, iniquum esse ab Eugenio discedere, qui notulas illas concessurus esset honestatis et justitiae plenas. Tunc Maguntinus bona fide se dixit intrasse foedus, sibi dictum fuisse, nihil Electores ab Eugenio velle, quod non esset honestum; at si jam his non contentarentur, ab honestate recederent. Placere igitur sibi, ut notulae in publico legerentur, quaererenturque vota multitudinis. The electors of Mayence and Brandenburg, the Grand Master of Prussia, the Archbishop of Magdeburg, and several German princes signed at once before the public deliberation. Cumque ventum esset in concionem, major pars notulas approbavit: Treverensis et Coloniensis et Dux Saxoniae adversi fuerunt, Palatinus dubius mansit. Sic territi tres Electores nihil concludere ausi sunt. At legati Caesaris cum Maguntino, Brandenburgensi et aliis novum foedus fecerunt, statueruntque in futuro nativitatis Dominicae festo ad Eugenium mittere, atque ab eo petere, uti notulas approbaret: quod si faceret, mox nomine nationis obedientia sibi praestaretur; sin autem, rursus in deliberationem res adduceretur.

<sup>52</sup> Compare the speech of Aeneas to the Emperor Frederick, in Baluzii *Miscellan.*, lib. vii. p. 525 ss., in which he describes this embassy, the death of Eugene, and the coronation of Nicolas V.

<sup>53</sup> Aeneae Sylvii *Hist. Friderici III.*, in Kollar, ii. p. 129: Collegium Cardinalium divisum erat, videbaturque magna pars adversari his, quae Francofordiae conclusa erant, atque hi erant maxime Theologi, qui omnia graviora faciunt: ob quam rem Ludovicus Aquilegiensis et Johannes Morinensis Cardinales suadent Eugenio, si velit Ecclesiae pacem habere, novos ut Cardinales assumat, qui resistere contradicentibus possint. Sic suusus Eugenius quatuor Cardinales creavit. The opposing cardinals said (see the *Oratio Aeneae*, in Baluz. vii. p. 533, quoted in note 52), venditam esse Teutonicis Apostolicam sedem, seque quasi bubalos duci naribus. Further still, p. 535: Grave videbatur Cardinalibus annatus remittere, collationes beneficiorum amittere, Concilium convocare, decreta recipere, privatos restituere; aiebantque, non solum in natione Germanica id esse nocivum, sed alias exinde nationes recessuras et Apostolicam sedem perditum iri, nec bene consultum esse caeteris Ecclesiis, quando Romana, quae est caput omnium, langueret: conducere Christianae religioni Romanum Pontificem fore potentem, ut tueri alios Praelatos queat, inter Principes pacem constituere, infidelibus resistere, haereseos extirpare: nunquam tot haereseos in Christiana religione fuisse, quot fuerunt ante Sylvestrum, quia paupertas Romani Pontificis neglecta fuit.

<sup>54</sup> These four bulls are given almost entire in Raynald. ad ann. 1447, no. 4 ss.; entire



himself and his successors, in a fifth and confirmatory document,

in Müller's Reichstagstheatr, s. 347 ff., partially reprinted from the originals in Koch Sanctio Pragm. p. 181 ss. Münch's Concordate, Th. i. s. 77 ff.—I. *Ad ea ex debito dd. 5. Febr.*, addressed to the Emperor and the electors of Mayence and Brandenburg, upon the new council desired—propter Ecclesiae necessitates: Nos, et si absque convocacione novi Concilii alia via rebus Ecclesiae melius consuli posse arbitremur, cupientes tamen vobis et nationi vestrae, quam singulari semper affectione Apostolica sedes prosecuta est, quantum cum Deo possumus, complacere, contentamur apud Reges et Principes Christianos curam et diligentiam adhibere fideliter, ut ad votum vestrum trahi valeant et conducti, ita quod in uno ex quinque locis consentiant generale Concilium convocari: quod infra decem (menses) a die dato praesentium computandos intendimus experiri, et si consensus hujusmodi haberi poterit, in fine dictorum X. mensium generale Concilium ad decimum octavum immediate sequentes initiandum in uno ex praenominatis locis, in nomine Domini convocabimus. Should the other monarchs object to the place chosen, the council was to be summoned at the same time—in alio loco rebus gerendis accommo- do. *Concilium autem generale Constantiense, Decretum Frequens, ac alia ejus decreta, sicut caetera alia Concilia, catholicam militantem Ecclesiam repraesentantia, ipsorum potestatem, auctoritatem, honorem et eminentiam, sicuti et caeteri antecessores nostri, a quorum vestigiis deviare nequaquam intendimus, suscipimus, amplectimur et veneramur.*—II. *Ad tranquillitatem dd. 5. Febr.* After a reference to that confirmation of the decrees of Constance: Super aliis autem decretis Basileae editis, et per clarae memoriae quondam Albertum Romanorum Regem acceptatis, ex quorum observantia natio ipsa Alamanica ex pluribus gravaminibus dicitur relevari, contenti sumus, volumus et decernimus, quod omnia et singula vigore decretorum hujusmodi cum suis modificationibus acceptatorum—usque in praesentem diem quomodolibet gesta vel acta sunt, cum omnibus inde secuti- tati rata, firma et inviolabilia persistent.—Super observatione vero et modificatione de- cretorum eorundem cum nonnulli Praelati nationis praefatae ex eisdem decretis grava- tos se fore, nobis conquesti sint, cumque in illis Apostolicae sedi, quae multum in suis juribus ex ipsis decretis gravata dinoscitur, recompensatio promissa sit, decrevimus Le- gatum nostrum cum sufficienti potestate ad partes Germaniae transmittere, qui median- tibus Rege, Archiepiscopo et Marchione praefatis, ac aliis ejusdem nationis Principibus et Praelatis, cum quibus fuerit opus, super observantia et modificatione decretorum ha- jusmodi, necnon super provisione Apostolicae sedi faciendis tractare valeat, et finaliter concordare. Permittentes interim,—quod omnes et singuli—in praefata natione decre- tis hujusmodi—libere et licite uti possint,—donec per Legatum, ut praedictum est, con- cordatum fuerit, vel per Concilium—aliter fuerit ordinatum.—III. *Ad ea quae ad reduc- tionem dd. 5. Febr.* On the petition of the King of Rome, and other prelates and nobles, and at their desire, promittimus,—quod, quando ipsi olim Treverensis et Coloniensis Archiepiscopi ad gremium nostrum et Ecclesiae venientes—nobis plenam et debitam obedientiam praebuerint, ac pro vero Jesu Christi vicario recognoverint, ipsos ad praedictas Ecclesias absque ulla exceptione aut oppositione restituemus, ac in pristinum sta- tum reponemus.—IV. *Inter caetera desideria dd. 7. Febr.* omnes et singulas—electiones, —provisiones et dispositiones, necnon processus,—sententias aliaque acta judiciaria auc- toritate ordinaria hujusmodi suspensionis et neutralitatis tempore factas seu facta—gra- ta et rata habentes auctoritate Apostolica ex certa scientia confirmamus.—Ac illis, qui pallium dictorum, qui Basileae post nostram translationem sub nomine generalis Conci- lii remanserunt, auctoritate receperunt, ut illo uti possint, praesentibus concedimus et indulgemus: illis autem, qui non habent, sine difficultate dabimus et etiam libere con- cedemus.—Praeterea omnia et singula, quae dictis suspensione et protestatione duranti- bus in praedictum,—vel laesionem—Metropolitanorum,—necnon aliorum Episcoporum, Praelatorum, Collegiorum, personarum, seu rerum quarumcunque contra foedus protes- tationis et suspensionis hujusmodi quomodocunque vergentia, Apostolica vel alia quavis auctoritate concessa,—insuper ecclesiasticae censuras, multas et poenas—promulgatas—cassamus.—Nec non illis, qui contra ipsos impetratis, concessis vel obtentis—quomo- dolibet niterentur, etiamsi eis—jus quaesitum foret ex certa scientia de potestatis plen-

perfect freedom of action.<sup>55</sup> However, the German ambassadors gave in their allegiance to him upon his death-bed, 7th February, 1447,<sup>56</sup> and the neutrality of Germany was at an end.

### § 133.

NICOLAS V. (6TH MARCH, 1447–24TH MARCH, 1455). CALIXTUS III. (8TH APRIL, 1455–6TH AUGUST, 1458). PIUS II. (19TH AUGUST, 1458–15TH AUGUST, 1464). PAUL II. (30TH AUGUST, 1464–26TH JULY, 1471).

The Papal See now strove, with Roman craft and steadfastness, to win back what was lost at the Council of Basle. Although Nicolas V., immediately after his accession, expressed himself in the most liberal manner to the German ambassadors,<sup>1</sup> and con-

tudine, perpetuum silentium imponentes : insuper quascunque obligationes super annatis seu communibus et minutis servitiis—usque in praesentem diem remittimus.—Insuper omnes et singulas praefatae nationis—personas,—qui post dissolutionem sive translationem praefati Concilii per nos factam congregationi Basiliensium sub nomine generallis Concilii adhaeserunt,—qui jam ad nostram obedientiam sunt reversi, vel infra sex menses post declarationem pro nobis factam redierint,—ab omnibus et singulis juramentis, perjurii reatu, ac aliis censuris et poenis, si qui tenerentur,—absolvimus et liberamus.—Ut autem praemissa eo firmiter observentur, pro nobis et successoribus nostris Romanis Pontificibus de Venn. fratrum nostrorum S. R. E. Cardinalium consilio et assensu pollicemur omnia et singula supradicta inviolabiliter observare, et contra ea—nullo unquam tempore quicquam innovare : et quod nobis licere non patimur, eisdem successoribus indicamus, decernentes ex nunc irritum et inane, si secus super his a quoquam quis, etiam Apostolica auctoritate—contigerit attentari.

<sup>55</sup> The bull *Decet*, *dd. 5. Febr.*, in Raynald. ann. 1447, no. 7, and Müller s. 352; Cum carissimus in Christo filius Fridericus Rex Romanorum illustris, ac ven. frater noster Archiepiscopus Maguntinus, et dil. filius Fridericus Marchio Brandenburgensis, S. I. Electores, nonnullique alii nationis Germanicae Praelati et Principes quaedam petiverint a nobis fieri, quae necessitas ipsa et Ecclesiae utilitas, ut eos ad nostram et s. Romanae Ecclesiae unitatem et obedientiam alliciamus, nos concedere quodammodo compellit : nos ad vitandum omne scandalum et periculum, quod exinde sequi posset, nolentes aliquid dicere, aut confirmare vel concedere, quod esset contra ss. Patrum doctrinam, vel quod vergeret in praepjudicium hujus s. Apostolicae sedis, quoniam propter imminentem nobis aegritudinem non valemus omnia per eos petita et per nos concessa cum ea integritate iudicii et concilii examinare et ponderare, quae rerum magnitudo et gravitas requirit : tenore praesentium protestamur, quod per quaecumque a nobis dictis Regi, Archiepiscopo—ac nationi responsa et respondenda, concessa et concedenda non intendimus in aliquo derogare doctrinae ss. Patrum, aut praefatae sedis privilegii et auctoritati, habentes pro non responsis et non concessis, quaecumque talia a nobis contigerit emanare.

<sup>56</sup> See the account given by Aeneas Sylvius (note 52), in Baluz. vii. p. 537, ss.

<sup>1</sup> He said to them (see the speech of Aeneas cited § 132, note 52, in Baluzii Misc. vii. p. 555) : Ego quae cum natione Germanica meus antecessor fecit non solum approbare confirmareque volo, sed exequi et manutenere omnia. Nimis, ut mihi videtur, Romani Pontifices fimbrias suas extenderunt, qui nihil jurisdictionis caeteris Episcopis reliquerunt. Nimis quoque Basilienses Apostolicae sedis manus abbreviaverunt. Sed ita evenit : qui facit indigna, ut injusta ferat oportet. Arborem, quae in unam partem peependit, qui volunt erigere, in partem adversam trahunt. Nobis sententia est, in partem sollicitudinis qui vocati sunt Episcopos suo jure minime spoliare. Sic enim jurisdictionem nostram nos denique servaturos speramus, si non usurpaverimus aliena.

firmed the bulls of his predecessor,<sup>2</sup> nevertheless he managed, by the favor of the Emperor and the mediation of Aeneas Sylvius, to introduce once more in the so-called Aschaffenburg Concordat, properly the Concordat of Vienna (17th February, 1448),<sup>3</sup> under pretext of the stipulated *provision* for the Papal See, the articles of the Constance Concordat, so disadvantageous to the German nation.<sup>4</sup> The more powerful German nobles were won over by concessions,<sup>5</sup> the less powerful were obliged to follow of their own

<sup>2</sup> The documents are given in Koch *Sanctio Pragm.*, p. 197 ss.

<sup>3</sup> On its history see especially Koch, p. 86 ss. In the diet at Aschaffenburg in July, 1447, it was determined, in respect to the next diet to be assembled at Nuremberg: *Item concludetur ibi provisio Sanctissimo Domini nostro et sedi Apostolicae, si tempore medio cum legato non fuerit concordatum.* This *provisio* had been already promised to the Pope by the Council of Basle, as a compensation for what had been taken from him (§ 182, note 30), and been stipulated for by Eugene IV., in the bull *Ad tranquillitatem* (§ 182, note 54). But in the mean time the Emperor had the Concordat agreed upon at Vienna by Aeneas Sylvius with the Cardinal Johannes de Carvajal (see the proofs in Koch, p. 211, note 3).

<sup>4</sup> Among the many editions the most important are those which are published from the originals, viz., from the archives of Mayence, in *Wurdwein Subsid. Dipl. ix.* p. 78 ss., from the imperial archives at Vienna, in Koch *Sanct. Pragm.*, p. 201 ss., and from the electoral archives at Cologne, in Hedderich *Elementa Juris Canonici*, P. iv. p. 145 ss. See Münch's *Concordate*, Th. i. s. 88 ff. The Concordat of Vienna contains only the two sections of the Concordat of Constance (see § 181, note 19), cap. ii. *De provisionibus Ecclesiarum*, and cap. iii. *De Annatis*, and agrees with these in almost every word. The most important alteration is, that instead of the alternate presentation to smaller benefices, an *alternatio mensium* was established: *De caeteris dignitatibus et beneficiis quibuscunque, saecularibus et regularibus vacaturis, ultra reservationes jam dictas, majoribus dignitatibus post pontificales in cathedralibus, et principalibus in collegiatis, exceptis, de quibus jure ordinario provideatur per illos inferiores, ad quos alias pertinet, idem sanctissimus Dominus noster per quamcunque aliam reservationem—non impedit, quo minus de illis, cum vacabunt de mensibus Februarii, Aprilis, Junii, Augusti, Octobris et Decembris, libere disponatur per illos, ad quos collatio, aut alia quaevis dispositio pertinebit.—Quotiens vero aliquo vacante beneficio de mensibus Januarii, Martii, Maji, Julii, Septembris et Novembris, specialiter dispositioni Apostolicae sedis reservatis, non apparuerit infra tres menses a die notae vacationis in loco beneficii, quod alicui de illo Apostolica auctoritate fuerit provisum, ex tunc et non antea Ordinarius, vel alius, ad quem illius dispositio pertinebit, de illo libere disponat.* In the Pope's bull of confirmation, dd. 19. Mart., in which the entire concordat is recited word for word, the striking difference is found, that in the first of the above-mentioned proposals the words *de quibus* are left out. Accordingly it runs (Koch, p. 240): *De caeteris dignitatibus,—majoribus dignitatibus—exceptis, jure ordinario provideatur, etc.* And thereupon, as early as 1457, Aeneas Sylvius, *Epist.* 838, ad Mart. Mayerum, grounds the assertion diametrically contradictory to the genuine text: *Concordata ipsa dignitates primas post pontificales et in collegiatis Ecclesiis principales Apostolicae sedis dispositioni permittunt* (likewise his *Germania*, c. 12, and c. 21); and this interpretation was universally adopted, until Neller, the canonist at Trèves, in 1757, first vindicated the true meaning; see the note in Koch *Sanct. Pragm.* p. 228 and 240. Nevertheless the reservation of the Deaneries in the latest concordats followed as the consequence of this inveterate error.

<sup>5</sup> The Elector of Brandenburg received the right of nominating the bishops of Brandenburg, Lebus, and Havelberg; see the papal deed of September, 1447, in Gercken *Cod. Diplom. Brandeb.*, t. vii. p. 861. The ecclesiastical electors received the *Indultum*, to ap-

motion. Thus the principal results of the Council of Basle and of the *acceptation* of Mayence were lost to Germany.<sup>6</sup> Felix V. and the feeble remnant of the Council of Basle, removed in 1448

point to benefices vacated in the months reserved to the Pope (Koch, p. 42), so did the Archbishop of Saltzburg likewise (see *Nachrichten* by Juvavia, s. 280). Only the Elector Dietrich of Cologne would not be won over, but immediately after his death, A.D. 1461, the Concordat was published in the diocese of Cologne also; see Hedderich *Elementa Juris Canonici*, P. iv. p. 145.

<sup>6</sup> Jacobus de Paradiso (Carthusian and Doctor of Divinity at Erfurt), *De Septem Statibus Eccl.*, in Brown, Appendix ad Fasc. Rerum Expetend. et Fugiendarum, p. 111: Gaudet quidem nostris temporibus, scil. nunc de anno Domini 1449, Ecclesia de unico et indubitato pastore, scil. Nicolao P. V.; sed luget de conculcatione decretorum in transactis Conciliis edictorum, et videt quomodo contraria decretis practicantur.—At the end of the Concordat of Vienna is the following passage: In aliis autem, quae per felicis recordationis Dominum Eugenium Papam quartum pro natione praefata usque ad tempus futuri generalis Concilii permissa, concessa, indulta atque decreta, et per memoratum sanctissimum Dominum nostrum Papam Nicolaum confirmata fuere, in quantum illa concordias praesenti non obviant, ista vice nihil extitit immutatum. According to this the decrees of Basle, accepted at Mayence (§ 182, note 41), which were confirmed by Eugene IV. (in the bull *Ad tranquillitatem*, § 132, note 54) and by Nicholas V. (see above, note 2), were to remain in force so far as they were not exchanged in this Concordat for other resolutions. This was quite in agreement with the bull *Ad tranquillitatem*: for according to it there was to be no concordat except with reference to the modification of some of those decrees, and the compensation to be made to the Pope for his loss. However, that *acceptance* of Mayence was gradually forgotten, and the Concordat of Vienna regarded as an independent compact, and the only result in Germany of the Council of Basle. So early as the year 1457, Aeneas Sylvius, Epist. 383 ad Mart. Mayerum, seems to take it in this sense: Verum cum dicis, decreta Basiliensis Concilii non custodiri, idque putas injuriosum esse nationi, indignam dicimus esse querelam tuam. Propter decreta enim Basiliensis Concilii inter sedem Apostolicam et nationem vestram dissidium coepit, cum vos illa prorsus tenenda diceretis, Apostolica vero sedes omnia rejiceret. Itaque fuit denique compositio facta, in qua nos imperatorio nomine interfulmus. Ea certam legem dedit, deinde inviolabiliter observandam, per quam aliqua ex decretis Concilii praedicti recepta videntur, aliqua rejecta. Likewise in his *Germania*, c. 11: Postremo eo modo concordiae locus fuit, ut sententia quorundam decretorum Basiliensis Concilii reciperetur, reliqua vero ejus statuta rejecta viderentur. However, Leibnitz, *Cod. Jur. Gentium*, P. i. p. 396, already maintained, anteriora concordata et concessa, qualla in decretis Constantiensis et Basileensis Concilii et Eugenii approbatione continentur, hic confirmari, adeoque male vulgo negligi. After Horix discovered again the acceptance of Mayence (see § 182, note 41), the true state of the case was once more revealed by him, and frequently maintained by the canonists, Neller at Trèves, Endres and Gregel, in Würzburg, Jung at Heidelberg, Roth at Mayence, Hedderich at Bonn, especially during the controversy about the nunciature. See particularly, Jo. Phil. Gregel, *Diss. de Juribus Nationi Germanicae ex acceptatione Decretorum Basiliensium quaesitis, per Concordata Aschaffenburgensia modificatis aut stabilitis*. Mogunt. 1787, 4. (reprinted in P. A. Gratz *Continuatio Thesauri Juris Eccl.* ab A. Schmidt adornati, vol. i. Mogunt. 1829, 8. p. 41 ss.) On the other hand, Spittler (*Gesch. der Fundamentalgesetze der deutschkathol. Kirche im Verhältnisse zum röm. Stuhle*, in the *Götting. histor. Magazin*, Bd. 1. St. 2. s. 847. St. 8. s. 474. Bd. 4. St. 1. s. 151), sought to prove that the decrees of Basle were quite abolished by the Aschaffenburg Concordat. See, on the other side, Koch *Sanct. Pragm.*, p. 47 ss. *Ueber die Fundamentalgesetze der deutschkathol. Kirche im Verh. zum röm. Stuhle, ein Nachtrag zur Spittler'schen Geschichte*. Frankf. u. Leipz. 1790 (in which Spittler's treatises are first reprinted entire, and then refuted).

to Lausanne,<sup>7</sup> must now likewise yield. The former resigned his office; the latter was entirely dissolved (1449).<sup>8</sup> The Pope had reason to expect to bring all things back to their old course in Germany with greater speed, now that the Emperor Frederick III., when he received the long-desired imperial crown at Rome, in 1452, was blind enough in his joy to propose a crusade to the Holy Land instead of the promised council.<sup>9</sup> The fall of Constantinople, which happened soon after (29th May, 1453), furnished a more earnest pretext for a crusade, and Nicolas V. forthwith issued his summons, and granted tithes from the ecclesiastical revenues for its support.<sup>10</sup> However, the Papacy, now sunk so low in public esteem, could no longer rouse the people as in earlier times, and dissipate the political entanglements of princes by religious enthusiasm. This crusade remained among the number of unfulfilled projects and empty promises, and the Papal See reaped from it no further advantage than that of bringing once more into use, under a decent pretext, many of those methods of raising money which had been abolished by the reforming councils. For this very reason the great mass of the German people, who felt that they had been deceived and bitterly injured

<sup>7</sup> Not till the Emperor's permission was recalled in 1447, and the town of Basle forced by three Imperial mandates to banish the council; see Müller's *Gesch. Schweizerischer Eidgenossen*, Th. 4 (new edition, Leipz. 1826), s. 262 ff.

<sup>8</sup> See the minutes in Raynald. 1449, no. 3 ss. Müller's *Reichstagstheaturum*, Th. 1, s. 366 ff.

<sup>9</sup> Compare the speech of Aeneas which he addressed to the Pope by the commission and in the presence of the Emperor, in Aenea Sylvii *Hist. Frid. III.*, in Kollar's *Analecta Monum.*, t. ii. p. 307, and especially the passage p. 317: *Alius fortasse vel generale Concilium, vel reformationis decreta petivisset. Sed quod majus haberi Concilium potest, quam Tuæ Sanctitatis Tuique Sancti Senatus praesentia? Frustra Concilium petit, qui Romani Pontificis mandata non recipit. Ubi Tua Sanctitas est, ibi Concilium, ibi Reges, ibi mores, ibi decreta, salubrisque reformatio. Caesari susceptis imperialibus infulis, Tuaque sacra manu coronato nihil hoc tempore visum est antiquius, quam de Passagio Tecum agere. The Pope in his answer took his man quite aright: *Ecclesiam numquam Imperio sacro tam gratam esse posse, quam debeat: expeditionem, de qua loquutus esset Aeneas, laudandum opus, dignumque Caesare, multam prae se ferre pietatem;—consultendos tamen esse caeteros Christianae religionis Principes, eorumque auxilia in tantum opus quaerenda: quos si benivolentes invenerit, relaturum se Caesari, atque tam sanctum negotium summo conatu aggressurum.**

<sup>10</sup> The bull of 30th September, 1453, is in Raynald. ad h. a. no. 9, e. g. *Inprimis universos Principes Christianos—hortamur, requirimus et mandamus in vim professionis factae in sacri susceptione baptismatis, ac in vim juramenti praestiti, cum dignitatibus suarum infulas susceperunt, ut ad defensionem Christianae religionis et fidei cum bonis et personis suis pro sua possibilitate verisimiliter et indesinenter assistant, aeterna praemia recepturi ab illo, cujus causam egere, et in praesenti vita pariter et in futura. Quod inpraesentiarum credimus cuilibet esse de necessitate salutis, cum talis sit necessitatis articulus, a qua se nullus legitime valeat excusare, etc.*

by the Pope and the Emperor, saw nothing but Papal avarice at work in these efforts for a crusade.<sup>11</sup> And when Calixtus III., immediately after his accession (1455), began to follow up this matter with still greater zeal,<sup>12</sup> the only result effected was that the reforming party once more arose in Germany, to win back the lost freedom of the Church. When the weak Emperor, Frederick III., under the guidance of the crafty Aeneas Sylvius, attached

<sup>11</sup> On these efforts and their result in Germany, see Pii II. Pont. Max. *Commentarii rerum memorabilium, quae temporibus suis contigerunt*, libb. xii., a Joanne Gobellino (the private secretary of Pius II.,—really by the Pope himself; see Platina ed. 1645, p. 760) compositi. Francof. 1614, fol. p. 22 ss. In the diet at Ratisbon a general promise was made, which was to be more fully deliberated upon in the next diet of the empire at Frankfort (compare Müller's *Reichstagstheaturum*. Th. 1. s. 450). But here (in September, 1454), mutati erant Theutonum animi, nec cuiquam placebat, expeditionem in Turcas fieri: infectae veluti venenis quibusdam aures neque Imperatoris nomen, neque Romani Praesulis ferre poterant, dicebantque, eos corrodere aurum velle, non bellum gerere: sed alium futurum Concilii exitum, quam sibi persuasissent: nec pecuniam colaturos Germaniae populos, nec in militiam daturus nomina: atque in eam sententiam persuasi omnes Imperatori et Papae maledicere, legatos eorum contemnere, Burgundos irridere, qui proni ad expeditionem videbantur, Hungaris durissima verba dare, qui, cum suum regnum tueri nequivissent, nunc Germaniam suis calamitatibus involvere vellent: nec ulla spes reliqua erat rei bene gerendae, cum decretum Ratisponense prorsus rejiceretur. At cum in concionem itum est, locuto Aenea (as Imperial commissary) omnium repente animi in priorem belli gerendi ardorem rediere. Oravit ille duabus ferme horis, ita intentis animis auditus, ut nemo unquam expuerit, nemo ab orantis vultu oculos suos averterit, etc. (The speech itself may be seen in Müller's *Reichstagstheaturum*, Th. 1, a. 474 ff.) The oratorical vanity of Aeneas here exaggerates the result. It was indeed determined to send a considerable army to the aid of Hungary; but this was to be more particularly discussed at the ensuing diet in the Neustadt of Vienna. A more impartial account of the success of this diet is given by the Franciscan, Johannes Capistranus, who alone was able at that time to rouse the common people in the style of the ancient preachers of crusades (on his agency see Chr. A. Pescheck in Illgen's *Zeitschr. für die hist. Theologie*. Bd. 2, St. 2, s. 259 ff.), and who was also present at Frankfurt, in his letter to the Pope of 28th October, 1454, in Wadding *Annales Minorum* ed. 2, t. xii. p. 203: cum apud multos appareat in praesenti dieta magna fuisse conclusa, mihi vero aut nihil, aut parum boni conclusum extitisse visum est. As all was made to depend upon fresh deliberations, the Hungarians might in the meanwhile be driven to make peace with the Turks. He then also informs the Pope of the common feeling as it still prevailed after the diet: *Omnes Principes, omnes Domini, totus mundus generaliter dicit: Quomodo volumus contra Turcam proprios sudores, propria nostra bona, panem filiorum nostrorum exponere, quandoquidem summus Pontifex in turribus, in grossis muris, in calce et lapidibus thesaurum S. Petri expendit, quem in defensionem sanctae fidei deberet expendere?* However, Nicholas V. died during the diet in the Viennese Neustadt, and now the deliberations were again deferred.

<sup>12</sup> Platina in *Vita Calixti III.* ed. 1645, p. 727: bellum Turcis statim indixit. Id se ante Pontificatum vovisse ostendens suo chirographo, his verbis scripto, quod in libro quodam suo extabat: *Ego Calistus Pontifex Deo omnipotenti voveo et sanctae individuae Trinitati, me bello, maledictis, interdictis, execrationibus, et demum quibuscunque rebus potero, Turcos Christiani nominis hostes saevissimos persecuturum.* Admirati sunt omnes qui aderant, quod Pontificatus nomen sibi desumpsisset ante adeptam dignitatem, quodque homo senex ac fere decrepitus tantum animi haberet. Ut autem quod promiserat re ipsa praestare posset, Predicatores per totam Europam statim misit, etc. (More particularly S. Antoninus in *Summa P. iii.* tit. xxii. cap. 14, init. Constituit plures praedica-

himself entirely to the Pope's side,<sup>13</sup> the only result was, in fact, to call forth loud and bitter complaints against the Pope and the Emperor,<sup>14</sup> and against the breaches of the Concordat committed by the former and allowed by the latter; and the Pope, in a letter of rejoinder, ventured the bold assertion, that the observance of the Concordat depended upon the Pope's favor.<sup>15</sup> However, neither in

tores diversarum regionum, qui discurrerent per civitates et castella ad praedicandam crucem contra Turcam, qui hortarentur plebes ad contribuendum eleemosynas ad tam sanctum, tam pium, tam necessarium omnibus opus pro conducendis armigeris, concedens indulgentiam plenariam peccatorum contritis et confessis semel in vita et semel in morte cuicunque eleemosynam V. Ducatorum largienti, auctoritateque tribuens absolvendi et dispensandi in multis casibus.) Ex his autem facultatibus ad sedecim triremes Romae aedificatas in hostem misit, Patriarcha Aquilejensi Praefecto, qui triennio maritima hostium Aslanorum vexavit, insulas quasdam cepit, ac magnas calamitates hostibus intulit. A crusade-bull, dated 15th May, 1455, according to which a general crusading host was to be assembled by 1st March, 1456, may be seen in Raynald. ann., 1455, no. 19.

<sup>13</sup> Gobellini Comm. p. 25: Haec cum audita essent in Austria (at the diet in the Viennese Neustadt), fuere non pauci, qui Caesari suaserint, nunc tempus esse coarctandi Apostolicam sedem, ne tantum in Germania posset; conventiones, quae cum Eugenio quarto factae fuerant, diminutas esse, nec prius obediendum Romano Pontifici, quam ea concederet, quae natio Germanica optaret; ancillam eam videri, libertatem aliquando mereri. Atque hoc ipsum Jacobus Treverensis Archiepiscopus obnixè requirebat, qui ex lite lucrum aliquod expectabat. Contra Aeneas non esse e re Caesaris ajebat, Romani Pontificis auctoritatem reprimere, ut populi gratia iniretur, quae sui natura inconstantissima est; nec multitudini relinquendas habenas, quam nosset principatibus inimicam; inter Principes aliquando amicitiam inveniri, inter plebem et regem odium immortale; Papam Imperatoris, et Imperatorem Papae auxilio indigere; stultum esse illi nocere, cujus expectes opem; cum Pontificatus novus initur, tunc Romani Praesulis gratiam beneficiis emerendam. Quodsi ab injuriis incipias, difficile in benevolentiam patere aditum; mittendam more majorum obedientiam, foedusque cum novo Praesule honestum ineundum, eoque pacto Germanos Imperatori obedituros. Vicit Aeneas sententia, atque ipse misus est, qui ea perageret, quae suaserat, etc. The speech made by Aeneas before the Pope upon this proffer of obedience is Ep. 413, in the collection of his letters.

<sup>14</sup> At the Diet of Nuremberg, in 1456, the electors already thought of electing a King of the Romans even against the Emperor's will, Müller's Reichstagsheft, Th. 1, s. 555 ff. At an assemblage of the electors of Mayence, Cologne, the Palatinate, Saxony and Brandenburg, with the Archbishops of Saltzburg and Bremen, which was held at Frankfort in 1457, another assembly of the princes was determined upon to meet in Nuremberg at Martinmas-tide, 1457, in which they were to deliberate (see Neue Sammlung der Reichs-Abschiede. Frankf. a. M. 1747, fol. Th. 1. s. 190): anne magis expediat pro honore Principum et nationis, quod decreta Constantiensis et Basileensis Conciliorum, quae ea gravamina contingunt, circa quae magis necessarium fuerit providendum, absque modificatione et simpliciter—repetantur et innoventur: vel quod ordinationes intermediae, de quibus in *avisamentis* supradictis cautum et actum est, prosequantur et continentur, seu quod alia congrua et honesta via Alemanniae consulatur. Afterward they were to consult—de modo et forma, quibus Romanus Imperator posset induci ad concurrendum una cum Principibus Alemanniae in re ista, et etiam ad providendum Nationi vel per pragmaticam sanctionem vel alio remedio oportuno. Likewise—anne Dominus Apostolicus vel literis, vel oratoribus, et quibus modis et mediis interpellandus sit super hac re. The *Avisamenta* here agreed on were to be communicated previously to the other nobles. They may be the Pragmatica Sanctio of which Aeneas speaks, *Germania*, c. 78 ss. (See below, note 19.)

<sup>15</sup> Calixti III. Ep. ad Fridericum Imp. dd. 31. Aug. 1457 (imperfect in Raynald. ad h.

a. no. 40, complete in Aen. Sylv. Epist. 385):—nuper—sicut nobis relatum est, nonnulli ex venerabilibus fratribus nostris ac dilectis filiis, nobilibus viris, Romani Imperii Electoribus, et alii plerique Principes ac Praelati nationis ejusdem, dieta quadam sive conventu inter se celebrata (in Frankfort; see above, note 14), Oratores suos ad Te miserunt, qui de nobis, deque curia nostra non parvam querelam facientes, inter caetera exposuisse feruntur, quod nos diversis modis nationem ipsam aggravantes, quae inter Te nomine nationis et antecessorem nostrum—concordata fuerunt, minime adimplere aut observare curemus.—Audivimus rumorem esse, tanquam nos aurum ex natione tua, supra quam deceat, extorqueamus. Injuriuntur profecto nobis, et a vero longe recedunt, qui talia dicunt: nihil unquam nostro nomine ab his extortum est, quibus beneficia contulimus, ut illi garriunt: nihil exactum, nihil petitum praeter Annatam vetusto jure debitam: at si qui contra Turcos pecuniaria nobis subsidia obtulerunt, non recusavimus, nec recusare quidem debemus pro tanta Christianae religionis necessitate. Pecunias autem hujusmodi—non usurpamus nobis,—non consumimus in deliciis, sed in defensionem fidei convertimus.—Innumerabiles sunt et intolerabiles nobis, quas indies subimus, expensae: nunc in Orientem Legato classis nostrae, nunc in Albaniam Scanderbechio fortissimo Christi athletae, indefessoque bellatori, nunc Legatis et Oratoribus in diversas mundi partes emissis, nunc istis, nunc illis per Graeciam et Asiam laborantibus, ne destituti periclitarentur, pecunias mittimus: nec fuerunt inanes hujusmodi sumptus. Licet enim nobis in Domino gloriari, qui per ministros suos, torpentibus ac pene dormientibus cunctis ferme Christianis Principibus, nobis tantummodo instantibus atque urgentibus Turcorum superbissima cornua et insolentissimas acies apud Ungariam confregit (viz., the victory of John Hunnyades at Belgrade in 1456), magnumque illum et potentissimum exercitum prostravit, qui sibi non Ungariam modo, sed Germaniam totam, Galliam atque Italiam proterere, legemque Christi funditus evertere promittebat.—Nunc quoque classis nostra Rhodum tuetur, Cyprum, Mitylenem, Chium, et omnes in Oriente Christiani nominis insulas:—quodque laudabilius est,—non tantum quas diximus insulas Legatus noster—tutatus est, sed alias plerasque Turcorum domino servientes ad Apostolicae sedis devotionem obedientiamque redegit.—Quae cum ita sint, audent tamen nonnulli parum quidem religiosi, et ad commune bonum minus intenti nos redarguere, quod ab his pecunias recipimus, qui promoventur, quamvis sponte oblatas in classem contra Turcos emissam. Quod quam inique agunt, jam plane prospicis. Sed ajunt plerique, concordata, de quibus mentionem supra fecimus, per nos minime observari, affirmantes, electiones Episcoporum aliorumque Praelatorum nos parvi pendere, ac prorsus abjicere: quod pari modo neque vere, neque justa nobis objicitur. Neque enim electiones Praelatorum in Germania factas quovis pacto contemnimus, neque ex concordatis omnes passim electiones confirmare tenemur, sed illas tantummodo, quae canonicae experiuntur: quod quidem a nobis diligenter custoditum est.—Super reservationibus autem caeterisque beneficiorum provisionibus, de quibus similiter accepimus querelas coram Tua Serenitate fuisse propositas, non sumus memores, aliquid a nobis esse concessum contra concordata praedicta. Quod si quid tale factum est, ut saepe in multitudine literarum ac negotiorum aliqua transeunt neque bene gesta, neque bene revisa; non est intentionis nostrae aut Ordinariorum mensibus derogare, aut concordatis ipsis contravenire. *Quinimo quamvis liberrima sit Apostolicae sedis auctoritas, nullisque debeat pactionum vinculis coërceri; ex mera tamen liberalitate nostra, ex zelo, quem gerimus ad pacem, ex caritate, qua te tuamque nationem prosequimur, concordatis ipsis locum esse volumus, nec patiemur ea temere violari, dum Romanae sedis gubernacula retinebimus.* Si quid praeterea est, quod ipsi nationi molestum videatur ex his, quae prodeunt ex nostro solio, idque fortasse dignum emendatione censeatur (possumus enim et nos, ut homines, aliquando labi atque errare, in his maxime, quae facti sunt); non decet Episcopos aut alios quosvis mortales super Apostolicam sedem auctoritatem sibi vindicare.—Et tu ergo, Serenissime Imperator, si quid arbitrarie tuae nationis Praelatos habere, quod per nos emendari debeat, admone eos, hortare et urge, ut ad nos venientes suas nobis necessitates exponant, gravamina referant, desideria proferant, etc. Under the letter is the note: Dictata per Aeneam Cardinalem Senensem.



Germany nor any other country was the crusade accomplished;<sup>16</sup> and the Pope could not undertake any decisive enterprise against the Turks with the sums which had been collected, not without difficulty, from the different national Churches. Aeneas Sylvius, who for his good service in Germany had been already successively rewarded by Nicolas V. with the bishoprics of Trieste and Siena, and by Calixtus III. (in December, 1456) with the rank of cardinal, still used every means to allay the excited feeling that prevailed in Germany against the Papal See.<sup>17</sup> He sought by his

<sup>16</sup> True, Alphonso, king of Aragon and Sicily, took the cross (Raynald. 1455, no. 30), but he carried on a war against the Genoese with the forces and money collected for war against the Turks (l. c. 1456, no. 11 ss.). Alphonso, king of Portugal, also promised to march against the Turks (l. c. 1456, no. 8), but in the end did nothing at all (l. c. 1457, no. 65). Charles VII., king of France, forbade the preaching of the crusade, lest his kingdom, threatened by the English, should be left unprotected (l. c. 1456, no. 3 ss.): he consented, indeed, at this time, to the collection of the ecclesiastical tithes, sans prejudice des droits, franchises, libertez et prerogatives de l'Eglise de France (see the edict in the Preuves des libertez de l'égl. Gallicane. chap. xxii. no. 20), but he refused to allow a crusading army to be assembled (Raynald. 1456, no. 5): the tithes also were refused by many of the clergy, who appealed to a general council after the example of the university of Paris (Raynald. 1457, no. 54 ss.).

<sup>17</sup> This is known chiefly from the letters of Martin Meyer, chancellor of Mayence, to his friend, Aeneas Sylvius, dd. 31st August, 1457 (prefixed to Aeneas Sylv. Germania, printed often besides, e. g. in Freheri Scriptt. Rer. Germ. ed. Struve, t. ii. p. 686. Richeri Hist. Conc. Gener., lib. iv. P. 1, cap. 1. J. F. Georgii Nationis Germanicae gravamina adv. sedem Rom., p. 244 ss.): Cognovi ex literis amicorum, Te Cardinalem esse creatum. Congratulor et Tibi, qui pro Tua virtute digna consecutus es praemia, et mihi, cujus amicus in ea dignitate constitutus est, in qua me meosque necessarios aliquando juvare poterit. Illud mihi molestum, quod in ea tempora incidisti, quae sedem Apostolicam afflictura videntur. Nam domino meo Archiepiscopo frequentes afferuntur de Romano Pontifice querelae, qui neque Constantiensis neque Basileensis Concilii decreta custodit, neque se pactionibus antecessoris sui teneri arbitratur, nationemque nostram contemnere et prorsus exhaurire videtur. Constat enim, electiones Praelatorum passim rejici, beneficia dignitatesque cujusvis qualitatis et Cardinalibus et Protonotariis reservari. Et tu quidem ad tres Provincias Teutonici nominis sub ea formula reservationem impetrasti, quae hactenus insolita est et inaudita. Expectativae etiam gratiae sine numero conceduntur: Annatae sive medii fructus absque ulla dilatione temporis exiguntur, et plus etiam, quam debeatur, extorqueri palam est. Ecclesiarum regimina non magis merenti, sed plus offerenti committuntur: ad corradendas pecunias novae indulgentiae indies conceduntur. Decimarum exactiones inconsultis Praelatis nostris (against Conc. Const. Sess. XLIII., see § 131, note 20, Decr. 6) Turcorum causa fieri jubentur. Causae, quae tractandae terminandaeque in partibus fuerant, ad Apostolicum tribunal indistincte trahuntur (against Conc. Basil. Sess. XXXI., see § 132, note 35): excogitantur mille modi, quibus Romana sedes aurum ex nobis, tamquam ex barbaris, subtili extrahat ingenio: ob quas res natio nostra quondam incluta, quae sua virtute suoque sanguine Romanum Imperium coëmit, fuitque mundi domina ac regina, ad inopiam nunc redacta, ancilla et tributaria facta est, et in squalore jacens, suam fortunam, suam prosperiem multos jam annos moeret. Nunc vero, quasi ex somno excitati optimates nostri, quibus remediis huic calamitati obviam pergant, cogitare coeperunt, jugumque prorsus excutere, et se in pristinam vindicare libertatem decreverunt. Erit haec non parva jacitura Romanae Curiae, si quod cogitant Romani Principes effecerint. Quantum itaque de tua nova dignitate laetor, tantum commoveor et angor, tuo tempore hoc parari. Sed

numerous letters to win more the important men among the malcontents.<sup>18</sup> His work, *Descriptio de Ritu, Situ, Moribus et Con-*

*Dei fortassis alia est cogitatio, et illius profecto sententia obtinebit. Tu interim bonum habeto animum, et quibus repagulis fluminis impetus coerceri possit, pro tua sapientia cogitato, et vale optime.* The dissatisfaction with Rome proceeded yet further; see Aeneae Sylvii Ep. 801, ad Martinum Mayer: Sunt nonnulli nationis tuae homines, parum pensi habentes, quibus Romani Pontificis auctoritas neque necessaria esse videtur neque a Christo instituta. The whole letter, which is adopted into Aeneae Germania, c. 89 and 90, has for its aim the refutation of their opinion.

<sup>18</sup> Aeneae Sylvii Ep. 848, ad Laurentium Rovarellam (Legate in Hungary). He was to impress upon the German nobles, quod multo facilius filii Principum promovebuntur per sedem Apostolicam, quam per Capitula vel Ordinarios. Et hoc bene cura in auribus Principum conculcare, quia veritas est. Ep. 819, ad Theodoricum Archiep. Colon. dd. 2. Dec., 1457. Si Romanae sedis auctoritas deprimeretur, credito, quia nec tua nec aliorum Episcoporum salva manebit. Audito tamen, quae consulis, ut hic quoque ea reformentur, quae odium tuae nationis pariunt, et ego, si mea vox audietur, ad id operam dabo. Nam et hic aliqua committuntur, quae non laudo omnia. Verum illud salubre puto, ut super gravaminibus, quae vestri allegant, ad Romanum Pontificem recursus habeatur, qui non negabit assensum justa petentibus. Ep. 834, ad Johannem de Lisura (Councilor of Mayence, see § 182, note 51): Per Wigandum Secretarium Moguntini missimus tibi Alphabetum, et nunc duplicamus, si forsitan illud non recepisti: poteris scribere mentis tuae conceptum, et consulere Ecclesiae necessitati.—Labore tuo nostroque quietem consecuta est Ecclesia nostra diebus apud Germanos. Faxit Deus, ne lacerari videamus quod aliquando resarcivimus. Multa rumor affert, et Germanos fieri Gallos imitatione contendit. Nobis illa via salubrior esse videtur, qua patres nostri ambulaverunt.—Nec facile sua in Dioecesi quisque Pontifex Papatum habebit: et sunt, qui quaerunt, et ejus rei causa nigrum in candida vertunt. Ep. 888, ad Martinum Mayer, the answer to the letter quoted in note 17. He first maintains, nec unquam regni coelestis introire januam potuisse, qui Romanorum Pontificum auctoritatem contumaciter contempserit, nec hodie illis gloriandum esse, qui auctoritate propria leges sibi constituunt, quibus pro suo libito Romanae sedis jussiones spernere possint. Hoc enim catholica veritas, nisi respicerint ante obitum, ignis aeterni mancipio sine intermissione deputat. Fatemur insuper aliquando in Romana Curia, quam regunt homines, aliqua fieri, quae digna essent emendatione, nec dubitamus ipsos Romanae urbis Praesules etiam, in quantum homines, falli, errare, labi ac decipi posse. Then he refutes the charges, first that the concordats were not observed, afterward that the right of election was not regarded. On this head the same Aeneas Sylvius, who had declared in his Ep. 66, ad Jo. Peregallum: (Nihil est, quod absque argento Romana curia dedat. Nam ipsae manus impositiones et Spiritus Sancti dona venduntur, nec peccatorum venia nisi nummatis impenditur), writes as follows: Quod deinde subjungis extorqueri multum auri ab his, qui dignitates vel alia beneficia assequuntur, non est cur de hac sede conqueramini, sed potius de cupiditate et ambitione vestrorum hominum, qui currentes pro Episcopatibus, invenientes competitores, his quibus palatium patet certatim pecunias offerunt. Illi vero, qui alloqui Pontificem possunt, non sunt omnes similes Angelis, sed quales in Alemania Galliaeque multos reperias: recipiunt enim quod offertur, non extorquent. Romanus autem Praesul solus in thalamo suo nunc hos nunc illos audit, et illos promovere solet, qui magis commendantur, nec scit, nec etiam arbitratur, pecuniae causa hos aut illos commendatione praeferrere. Nec sibi plus auri datur, quam concordata permittant; nisi fortasse aliquando occasione expeditionis contra Turcos, aliquid super Annatas recepit (the reading, in Germania, c. 25, is corrected thus) quod sibi profecto non fuit in tanta necessitate negandum. Then as regards the complaints about the sale of indulgences and tithes. Complaints of extortion would always be alleged by the avaricious on various grounds. Germany was not impoverished, but richer than ever, yet its prosperity was the happy result of Christianity, and so an advantage conferred by the Roman See which converted

ditione Germaniae, was intended principally for the refutation of the complaints of the Germans against the Papal See.<sup>19</sup> At the

the country. Then he defends himself against the reproach of holding *insolitas reservationes*. The reservations made in his favor were not against the concordata. Sed arbitraris fortasse, beneficia quae in Germania sunt Germanis potius committi debere quam extraneis, nec nos aliter sentimus. Sed cum nos jam annis supra XXIV. Germaniam incoluerimus, non reputamus extraneos existimari debere: cumque Imperatori ipsique nationi longo tempore, summa fide, magnis laboribus servierimus, et nunc ad Cardinalatum recepti ea curemus, quae nationis ipsius honori atque utilitati conducant, et ita prorsus agamus, ut natione Germani potius quam Itali putemur; non judicavimus tribus illis provinciis Moguntinae, Coloniensi, Treverensi indignum videri, aut grave censeri, si annuo duo millia ducatorum in eis obtineremus ex illis beneficiis, quae sedes Apostolica conferre haberet. Putavissemus etiam majora in eadem natione, cui semper servivimus, sponte offerri: sed non sumus nos insatiabiles, contentamur eo, quod pro debiti status conservatione sufficiat, nec plura circa hoc. Quod autem operas tuas ad id offers, ut gratiae nostrae fructum consequamur, agimus tibi gratias, qui partes amici non negligis, idque rogamus, ut interveniente casu opportuno prorsus efficias.—Si qua Praepositura vacaverit, aut Ecclesia parochialis magni redditus, velis ita efficere, ut ad complementum gratiae nostrae (the reservation granted him by the Pope) pervenire possimus.

<sup>19</sup> This work has been many times published separately, e. g. Argent. 1515, small 4to. Romae, 1584, and in Aen. Sylv. Opp. Basil. 1571, fol. p. 1084 ss. It is addressed to Martin Mayer, chancellor of the Electorate, and contains a more detailed answer to the *gravamina* brought forward by him, which are before given Ep. 383 (note 18). The remarks on the Pragmatic Sanction proposed in Germany are worthy of note (compare above, note 14). Cap. 78: Pugna nobis cum paucis, qui cum sibi docti videantur, nec pro sua opinione dignis efferantur honoribus, miscere omnia divina et humana jura conantur, ut inter rerum mutationes cadentium assequi cathedras valeant, etc.—Quid est quod pro libertate molientur, quid parant in Apostolicam sedem, quo sibi modo consellere satagunt? Non scribis tu hoc nobis: fortasse times deferri. Commendamus cautionem tuam: nam Cancellario nihil tam convenit quam pectus arcanorum tenax. Non tamen nos lateat hoc: provisus sunt amici nostri, nullis obligati Principibus, quod nobis omnium, quae apud vos aguntur, notitiam fecere, missis exemplaribus ejus Pragmaticae, quae ab aliquibus excogitata, in publicum deferri debuit. Cap. 79: Cujus duae partes sunt. In prima referuntur omnia fere gravamina, quae superius enumeravimus. Quibus ut obvietur, ponitur modus, qui servandus sit in natione vestra circa Praelatorum electiones, beneficiorum collationes, causarum auditiones, indulgentiarum concessiones, decimarum exactiones, et caetera istiusmodi. In secunda ponuntur appellationes, ad quas recurrendum sit, si forte Pragmaticae sanctioni Summus Pontifex obviam ferit. Inseritur et poena, qua plectendi sint Germani non obedientes, et foedus Principum pro custodia sanctionis. Fama quoque ad nos delatum est, inter Pragmaticos sermones habitum esse de mittendis huc oratoribus, qui ex Romano Pontifice sanctionis suae confirmationem expetant, quasi primam sedem eo modo honoraturi, quod, si optatum responsum habuerint, gratias agant, si minus, nihilominus natio Pragmaticae subjeiciatur. Scimus nihil horum placere divo Imperatori, majorique parti Principum,—sed agimus, ut dictum est, cum seditiosis quibusdam et perditis hominibus, etc. Cap. 80: De Pragmatica igitur imprimis dicamus.—Summam vim ejus respicimus, quae huc tendit, ne Germanica natio jussionibus Apostolicae sedis obedire cogatur, ne quid pecuniarum ad Romanam curiam deferatur. Nam hoc est, quod omnes sibi querelae volunt, hoc queritur, dum causae in partibus retinendae dicuntur, dum Praelatorum electiones ad Metropolitans referuntur, dum beneficiorum collationes Ordinariis reservantur, dum annuarum exactiones prohibentur. Aeneas conceives of the dignity and power of the Papal See quite in an ultramontane sense, but he defends them upon a political and strikingly material platform. Cap. 87: Ecclesiarum ceterarum dignitates et cathedras, ut inquit

same time these works expressed so undisguisedly the principles of the most decisive Papal system, that it was already evident from them what was to be expected from this former adherent of the Council of Basle, when, under the name of Pius II., he mounted the Papal throne (1458).<sup>20</sup> Pius II. thought, by imita-

Nicolaus, Papa Romanus instituit: Ecclesiam vero illam solus ipse Deus fundavit, et super petram fidei mox nascentis erexit. Qui b. Petro aeternae vitae clavigero terreni simul et caelestis Imperii jura commisit. Cap. 94: An pauperem tu Pontificem maximum esse volueris?—At nos Pontificem maximum, quamvis optimum, non putamus officio suo satisfacere posse, nisi facultatibus praeditus sit.—Convenit Romanum Pontificem, magnum sacerdotem, curare, ut evangelium Christi—omnibus sincere praedicetur, ut omnes errores, omnis blasphemia—eradicetur, ut pellantur a finibus Christianis impugnatore nostrae religionis, ut schismata removeantur, ut bella sopiantur, ut furta, rapinae—de medio tollantur.—Postremo debet Romana sedes, veluti patrocinium orbis terrae, tutusque portus afflictorum,—omnibus ad se currentibus non solum benignas aures adhibere, sed opem ultro afferre.—Et quis est, qui haec agere posse pauperem et inopem Papam affirmet?—Quomodo restituentur Episcopi exules, aut haeretici, vel schismatici corrigentur?—*Implorandum est brachium saeculare*, clamabis. At nos ex te quaerimus, an melius per se Romanus Praesul haec agat viribus suis fretus, an per alium?—Quid vero, si Principes ipsi aberrant, et, ut saepe vidimus, haereticis succumbant erroribus, quid agemus? Quid si Rex cobrendus, si arguendus Imperator? Numquid et Regem Franciae inutilem depositum a Romano Praesule legimus? Numquid Henrici Fridericique Caesares contra Ecclesiam debacchati sunt, et digni anathemate putati? Quod ergo an brachium contra se Imperator praebebit, aut pauper eum corripiet Romanus Praesul?—Nos tenemus, potentiam, opes, viresque multo melius in Apostolica sede quam in alio quovis saeculari throno existere. Nam sedes haec tutrix fidei est, quae nunquam erravit, aut erratura est, quia rogavit Dominus, ut non deficiat fides Petri. Imperatores vero, et Reges, et alios Episcopos saepe in haeresim lapsos fuisse legimus. Cap. 101: Caeterum neque illud, quod sequitur de appellationibus, piaes aures ferre possunt. Nam si Princeps est Romanus Praesul, si Dominus, si Magister, quo pacto ab eo appellatur?—Nam si leges civiles neque a Senatu, neque a Principe saeculari appellationem admittunt, quanto minus ab ecclesiastico Principe erit? Nam si Papa simul et Imperator conferantur, quantum inter solem et lunam interest, tantum eos differre dicemus, et Papam soli, Imperatorem lunae assimilabimus. Praeterea cum appellatio ab inferiori ad superiorem deferatur, Papa vero prior sit et major omnibus, liquet ab eo non esse provocandum. Sed audio, quod tecum loqui potes: *non quispiam singularis homo appellabitur, sed Concilium, quod majus est et potentius Romano Praesule*. Nolumus hanc modo quaestionem ingredi, quae longiorem tractatum requirit, et aliud ingenium quam nostrum est. At idem Gelasius sacros canones ait sanxisse, ne unquam ab ea sede appellaretur, neque Concilium exceperit, et amplius de Romana sede, quod illa etiam quos Synodus inique damnaverat absolvit. Quo dicto declarat a Synodo ad Papam appellatum fuisse, eoque modo majorem Synodo Papam extitisse.—Quocirca si quid est quod gravius ille agat, non est recalcitrandum, sed ferendum. Ridiculum profecto, nemo est tam parvae urbis dominus, qui a se appellari ferat, et nos Papam appellationi subjectum dicemus?—*At si me ais, Pontifex indigne premit, quid agam?* Redi ad eum supplex, ora onus levet. *At si rogatus, interpellatus nolit subvenire misero, quid agam?* Quid ages, ubi tuus te Princeps saecularis urget?—*Feram, diceas, nam aliud nullum est remedium*. Et hic ergo feras.—Cap. 102: Et majores igitur nostri, quamvis Romanum Pontificem aliquando posse injurium esse non dubitarent, non tamen appellandum ab eo sanxerunt. Nam injuriam ab illa sede rarissime venturam arbitrati sunt; privatos vero homines, si provocare possent, non dubitaverant toties appellatos, quotiens in eos sententia promulgaretur: quoniam sicut litigare homines injuste audent, ita et provocare audebunt, ac per eum modum nullus erit unquam finis litium.

<sup>20</sup> Concerning him see especially Gobellini Commentarii, above, note 11. His own

ting the earlier popes, to bring back the Papacy to its former supremacy; but just as he himself acted rather from political calculations than from conviction and enthusiasm, so all his efforts were shivered upon the political complications of the times without eliciting any enthusiasm.<sup>21</sup> Accordingly, it was in vain that he set in motion the same means by which the Popes had achieved such marvelous results in the first ages of the Crusades. He founded new ecclesiastical orders of knighthood, but they soon came to an end.<sup>22</sup> He summoned a general assemblage of Christian nobles at Mantua,<sup>23</sup> but he could only bring it to an imperfect issue by dint of great labor.<sup>24</sup> At this council the nations were to have been united in one crusade; but here, on the contrary, nothing else was brought fully to light but the universal lukewarmness, and the impossibility of any common enterprise by reason of the manifold quarrels of the princes among themselves.<sup>25</sup> Pius II.

Epistolae are the chief sources for his history; these, however, although there are more than twenty editions of them, are still seldom to be found. The edition used here is that of Norimb. 1496. 4. With regard to a new edition intended by Privy-Counciler Zapf, see Hormayr's *Taschenbuch für die vaterland. Gesch. Jahrg. 1830, s. 144 ff.*—H. Chr. C. E. Helwing de Pii II. Pont. Max. rebus gestis et moribus comm. Berol. 1825. 4. [Cf. Enea Sylvio de Piccolomini, als Pabst Pius II., und sein Zeitalter. Von Dr. G. Voigt, Bd. 1. Berl. 1856. See also the works of Beets, Haarlem, 1839, and Hagenbach, Basel, 1840. The letters have been published in the *Austrian Archiv. f. Geschichtsquellen*, and also separately.]

<sup>21</sup> Pius II. invested Ferdinand with Naples (Raynald. 1458, no. 20 sa.); but the house of Anjou, supported by France, made unceasing claims for this kingdom, and occasioned wars in Italy.—The Emperor Frederick III. was at issue with the King Matthias about Hungary, but he gave in as early as 1459. On the other side, within Germany itself there were two hostile parties, the Imperial and the Palatino-Bavarian, opposed to each other.

<sup>22</sup> On 18th January, 1459, he founded the *Ordo hospitalis b. Mariae Bethlehemitanae*, after the example of the Knights of St. John, for the protection of Lemnos (Raynald. ad h. a. no. 2). To the same year belongs also a—*Societas sub vocabulo Jesu nuncupata, ad Dei honorem et infidelium oppugnationem instituta* (see Pii II. Ep. ad Carolum R. Galliae, dd. 13. Oct., 1459, in Leibnitii Cod. Juris Gentium, P. I. p. 420), to which the Pope granted many privileges (Raynald. l. c. no. 88).

<sup>23</sup> Gobellinus, lib. ii. p. 84. The writ of summons is in Raynald. 1458, no. 16 sa.

<sup>24</sup> Pius II. opened the Assembly 1st June, 1459, with the words (Gobellinus, lib. iii. p. 60): *Speravimus, fratres ac filii, hanc urbem adentes, frequentes, qui praecessissent Regum legatos invenire: pauci adeunt, ut vidimus, decepti sumus. Non est religionis cura apud Christianos, quantum credidimus, etc.*

<sup>25</sup> In his closing speech in January, 1460, the Pope states the result of the convention to this effect (Gobellinus, lib. iii. p. 92): *Hungari si adjuventur, summo conata et universis viribus suis Turcas invadent. Germani exercitum pollicentur duorum et quadraginta millium bellatorum; Burgundus sex millium; Itali, exceptis Venetis ac Genuensibus, Cleri decimas, populi trigesimas annuorum reddituum, ac vigesimas Judaicas substantiae, ex quibus navales copiae sustentari queant. Idem facit Joannes Rex Aragonum. Ragusaei duas triremes offerunt. Rhodi quatuor. Haec tanquam certa solemniter*

condemned also at Mantua appeals from the Pope to a general council,<sup>26</sup> but immediately several such appeals followed quick one after the other. Cardinal Bessarion, as Papal legate, was expected to bring about a crusade in Germany (1460),<sup>27</sup> but at last

stipulatione per Principes ac Legatos promissa sunt. Veneti quamquam publice nihil promiserint, cum tamen expeditionem paratam viderint, haudquaquam deerunt, neque patientur, ut suis majoribus deteriores videri possint. Idem de Francis, de Castellanis, de Portugallensibus dicimus. Anglia civilibus agitata motibus spem nullam pollicetur, neque Scotia in intimo abscondita Oceano. Dacia quoque, Suecia ac Norvegia remotiores provinciae sunt, quam milites possint mittere, nec solis contentae piscibus pecuniam ministrare possunt. Poloni Turcis per Muldaviam contermini suam causam deserere non audebunt. Bohemos mercede licebit conducere, suo aere extra regnum non militabunt. Sic res Christianae se habent. Classem pecunia Italica parabit, si non Venetiis, ac saltim Genuae, aut in Aragonia: nec minor erit, quam res ipsa deposcat. Hungari viginti millia equitum armabunt, peditum haud minorem numerum, qui Germanis juncti ac Burgundis duodenonaginta millia militum in castris habebunt. Et quis non his copiis superatum iri Turcas arbitretur? Hic accedet Georgius Scanderbechius, et Albanorum fortissima manus; et multi per Graeciam ab hoste deficient; et in Asia Charamannus et Armenorum populi Turcas a tergo feriant: non est cur desperemus, tantum Deus ipse coepta secundet!

<sup>26</sup> The bull of 23d January, 1640, in Gobellinus, iii. p. 91 (according to Raynald. 1460, no. 10, the date is X. Kal. Febr.): *Execrabilis et pristinis temporibus inauditus tempestate nostra inolevit abusus, ut a Romano Pontifice—nonnulli spiritu rebellionis imbuti, non sanioris cupiditate iudicii, commissi evasione peccati ad futurum Concilium provocare praesumant: quod quantum sacris canonibus adversetur, quantumque reipublicae Christianae noxium sit, quisquis non ignarus iurum intelligere potest. Namque, ut alia praetereamus, quae huic corruptelae manifestissime refragantur, quis non illud ridiculum iudicaverit, quod ad id appellatur, quod nusquam est, neque scitur quod futurum sit? Pauperes a potentioribus multipliciter opprimuntur, remanent impunita scelera, nutritur adversus primam sedem rebellio, libertas delinquendi conceditur, et omnis ecclesiastica disciplina, et hierarchicus ordo confunditur. Volentes igitur hoc pestiferum virus a Christi Ecclesia procul pellere—hujusmodi provocationis introductiones damnamus, et tanquam erroneas ac detestabiles reprobamus, cassantes, et penitus annullantes, si quae haecenus taliter interpositae reperiantur:—praecipientes deinceps, ut nemo audeat—ab ordinationibus, sententiis sive mandatis quibuscunque nostris ac successorum nostrorum talem appellationem interponere, aut interpositae per alium adhaerere, seu eis quomodolibet uti. Si quis autem contrafecerit a die publicationis praesentium in Cancellaria Apostolica post duos menses, cujuscunque status, gradus, ordinis vel conditionis fuerit, etiamsi imperiali, regali, vel pontificali praefulgeat dignitate; ipso facto sententiam execrationis incurrat, a qua nisi per Romanum Pontificem et in mortis articulo absolvi non possit. Universitas vero, sive collegium ecclesiastico subiaceat interdicto; et nihilominus tam collegia et universitates, quam praedictae—personae eas poenas ac censuras incurrant, quas rei majestatis, et haereticae pravitatis fautores incurere dignoscuntur. Tabelliones insuper ac testes, qui hujusmodi actibus interfuerint, et generaliter qui scienter consilium, auxilium dederint vel favorem talibus appellandibus, pari poenam plectantur.*

<sup>27</sup> On Bessarion's vain endeavors at the diets of Nuremberg, Worms, and Vienna, to establish peace among the German princes, and set on foot the expedition against the Turks, see *Platinae Panegyricus in Bessarionem Card. in his Vitae Pontif. Rom. Lovan. 1572, fol. p. 71 ss.* Fragments from it are found in *H. Chr. Senckenberg Selecta Juris et Historiarum*, t. iv. (Francof. ad M. 1788, 8) p. 384 ss. and in *Chr. J. Kremer's Gesch. des Kurf. Friedrichs I. v. d. Pfalz (Manheim, 1766, 4) Urkunden*, s. 179 f. His efforts with the bishops in the matter of the tithes were not more fortunate; see *Excerpta e Cod.*

he only occasioned a fresh paper of grievances, and an appeal from the electoral princes.<sup>28</sup> Sigismund, archduke of Austria, was punished with ban and interdict for his violence toward Cardinal Nicholas of Cusa, bishop of Brescia (1460); but the consequence was only another like disagreeable appeal, and equally disagree-

MS. Acta Imp. publica continente, in Senckenberg, l. c. p. 815: 1460. Convocatio Electorum Imperii et Episcoporum per Card. Graecum—in Nordlinga in Franconia, postulando decimam generalem a Clero, et ibidem recepto responso dilatando, dedit in sua ira oratoribus benedictionem cum sinistra manu.

<sup>28</sup> The *finale responsum Legati* at the diet of Vienna (in Senckenberg, l. c. p. 357 ss.) had made the electors indignant, and so immediately afterward they drew up an appeal at Nuremberg (l. c. p. 369 ss.). First there is a complaint because, although they had shown themselves ready in good earnest for war with the Turks, and had only demanded previously of the Emperor, quatenus—ad superiores partes Imperii sui in locum competentem se conferre dignaretur ad tollendum et amputandum schismata, divisiones, guerras,—quas pro dolor Rom. Imp. et nationi nostrae increverunt, to which demand, however, no answer had been made by the Emperor: verumtamen idem Apostolicæ sedis Legatus—cerimonia quadam contra dictos oratores nostros fretus est, nos parvifaciendo, et nostras oblationes sinceras et devotas rejiciendo, increpando et judicando,—nostras oblationes esse hominum renitentium et tergiversantium.—Sugillabantur (Principes Germaniæ) tanquam ludentes cum fide.—Succensebatur in illos, quasi promissa violantes et sua irrita facientes.—Quæ si veritati subnixæ forent, sicuti non vera sunt, essemus de sorte gentium incredulorum. On the contrary they repeated their promises. Porro cum in Concilio Constantiensi inter alia ordinatum fore dinoscitur, ne Summus Pontifex decimam imponat, nisi hoc faciat cum concilio et consensu Praelatorum, et majoris partis in regnis vel provinciis, ubi decima venit imponenda; pronunciavitque sæpenumero Apostolicus Legatus præfatus, se plena a Sanctissimo Domino nostro auctoritate et facultate decimam, vicesimam, atque tricesimam per plures annos in natione nostra imponendi, sicque præsumendi et formidandi, quod—idem Apostolicus Legatus aut Sanctissimus Dominus noster—irrequisito concilio et consensu tam nostro quam aliorum, quorum interest—ad hujusmodi impositionem processerint aut procedant: hinc est, si et in quantum—contra ordinationem Ecclesiæ sanctæ Dei in præfato Concilio Constantiensi—attemptatum foret attempteturve,—hoc esse gravamen edicere gravamur, cui nec nos, nec nostri utriusque status homines minime parere aut satisfacere possemus. Attento potissimum, quod, cum per amplissimas et repetitas ei variis respectibus concessas indulgentias, quibus piarum mentium æraria evacuata sunt, tum per excessivam solutionem annatarum, quarum gratia Ecclesiæ vel feneratoribus dispensatione deditæ, aut ferme funditus confectæ jacent, tum variis aliis gravaminibus—adeo gravatus, adeo exhaustus et exinanitus est uterque status, ut illi omnia ea gravamina et sarcinam hujusmodi acceptandi et ferendi omnino deest facultas atque potestas. Hac occasione ab his impositionibus et gravaminibus—provocamus et appellamus ad S. D. N. Papam Pium, ad sanctam sedem Apostolicam, aut ad illum vel ad illos, ad quem vel ad quos de jure fuerit appellandum, vel ad Romanum Pontificem, qui in Concilio generali seu yemenico vel jam instituto vel instituendo in proximo præsidendam habeat vel habiturus est, præsertim ad instituendum eundem Rom. Pontificem de pia nostra intentione, supplicis oblatione—plenius, atque forsitan hactenus instructus sit, etc. The Pope in answer, by a bull of 4th September, 1461 (in Müller's *Reichstagstheatrium*, Th. 2, s. 29), declared it to be an untruth that Bessarion, whom he had sent into Germany, ad præsidendum in dietis tam apud Norimbergam, quam apud curiam imperialem tunc tenendis, had in view, eos ad ipsius decimæ solutionem compellere, and assured them—nostræ intentionis semper fuisse et adhuc esse, quod prædicta decima in eadem natione non exigeretur, nec exigatur, nisi de vestro aliorumque Praelatorum et Principum consensu.

able investigations by Gregory of Heimburg, the Archduke's councillor.<sup>22</sup> In August, 1461, Pius II. deposed Diether, archbishop

<sup>22</sup> Compare Gerardi de Roo (about 1519) *Annales Austriaci*, lib. vii. p. 222, 261. Jo. Jac. Fugger's (about 1555) *Spiegel der Ehren des Erzhauses Oestereich*, s. 663, ff. 789. The bishop having been appointed by the Pope against Sigismund's will was always at variance with him, and was thrown into prison by him for laying claim to certain packs of wool, tolls, and saltworks. For this the Pope declared, dd. 1st June, 1460 (Raynald. 1460, no. 88), that the Archduke should be—*sicut reus criminis laesae majestatis perpetuo infamis, diffidatus, bannitus, intestabilis, omnique privilegio, honore, et dignitate exutus, privatus, ac etiam majoris excommunicationis sententia innodatus*; he warned the Swiss, *ne ad observandum pacis et concordiae foedera se adstrictos arbitrentur, and commissioned certain prelates—ut Helveticos ad foedus armorum pro coercendo Sigismundo concitent*. On the other hand, Sigismund appealed through Gregory of Heimburg to a general council, dd. 18th August, 1460 (the deed is in Goldast *Monarchia*, t. ii. p. 1576, and in Brown, *Appendix ad Fascicul. Rerum Expetendarum et Fugendarum*, p. 114), et appellationes multarum civitatum Italiae et Alamaniae Ecclesiarum valvis—affigi fecit (Raynald. 1460, no. 85). Now the Pope's bann fell upon Gregory also (Raynald. l. c.), who had been his fellow-ambassador at Rome in 1446 (see § 182, note 50). Pius II. wrote to the magistrate of Nuremberg, dd. 18th October, 1460 (in Brown, p. 125): *Quidam ex patre Diabolo mendaciorum artifices natus, Gregorius de Heymburg nomine, —a nostra solemnī declaratoria sententia, qua —impium Sigismundum —juris scripti poenas declaravimus incurrisse, a nobis ad futurum Concilium improbam, nefariam, temerariam, seditiosam denique appellacionem dictavit. Et illius interpositionis per dictum Sigismundum factae ipse dictator in originali instrumento Florentiae ad valvas Ecclesiae affixo testis inscribitur. Quod quis loquax ille, praesumptuosus et praeceps, mendax atque turbulentus, temerarius ob istud facinus excommunicatus existit, criminaeque et poenas incidit laesae majestatis atque haeresis, adeo ut ultra execrationem honore omni et bonis jure sit privatus; Devotiones vestras in Domino requirentes admoneamus, hujusmodi pestiferum hominem pro tali excommunicato habeatis; —ipseumque non solum vitetis, sed procul ejicetis ad oppido et dominio vestro; et bona quaecunque habet apud vos, tam mobilia quam immobilia, fisco vestro applicetis; et alia omnia factitia, quae contra haereticos de jure canonico fieri mandantur. Gregory answered this bull by an Appellatio ad Concilium futurum (in Goldast. p. 1592; Brown, p. 126), in which he speaks very contemptuously of the Pope: E. g. *voluit Papa iste abuti potestate sua,—et sub velamento militaris expeditionis in Turcam instaurandae facultates Germaniae—medullitus exhaurire. —Ipe aliquando audiet, quid gesserit, qualem vitam egerit, et quid apud Comas: sed reprimo me, etc.—Mihi satis est didicisse civiles sententias, etc.—ipe in numero sit illorum, qui putant haec omnia vi et artificio rhetorum contineri. Ergo si Papa ob id facinus me excommunicatum dicit, quis erit ejectior ipse, qui praeter verborum nihil habet in se virtutis? He refutes especially here the Pope's assertion, Concilium supra Papam non esse, and defends appeals to general councils. Theodorus Laelius, Episc. Feltrensis, Referendarius Apostolicus, answered this appeal with a *Confutatio* (in Goldast, p. 1595); which, however, Gregory refuted by an *Apologia contra detractiones et blasphemias Theod. Laelii* (in Goldast. p. 1604). Then Pius II. summoned the Archduke before his judgment-seat, dd. 22d January, 1462 (Raynald. 1461, no. 11), as—*de damnatissima haeresi, quae est omnium haeresum haeresis, non solum suspectum notorie, sed sensibiliter maculatum, tanquam sacrae fidei non recipientem articulum:—Credo in unam Sanctam et Apostolicam Ecclesiam. Nam cum ipsius Ecclesiae Romanus Pontifex caput sit, canonesque et censurae sic sint Ecclesiae, quod quisque in Ecclesia positus et credens capiti, canonibus et ejus censuris teneatur obedire; dictus quidam Sigismundus non solum illis non obedit, sed praedicat insuper, quod minime obedire teneatur. When Sigismund did not appear, excommunication was once more pronounced against him and Gregory, *die coenae Domini* (Gobell. lib. viii. p. 208). In 1464 Sigismund received the Pope's absolution; compare Jacobi Piccolomini Card.***



of Mayence, in an arbitrary manner;<sup>30</sup> but the Pope's word of

Papiensis Epist. 282 (at the end of Gobellinus, p. 668): Sigismundus—divino tandem est humiliatus miraculo, atque eo quidem usque humiliatus, ut Romanorum Imperator,—consanguinitate illum attingens, cum summa Sedis gloria ante genua Legati apostolici procidens non ante surgendum putaverit,—quam poenitenti et satis pro injuriis facienti poenarum abolitionem, restitutionemque est consecutus. On the other hand, Gregory of Heimburg remained firm, he struggled long against the pope, first on the side of Diether, archbishop of Mayence, afterward on the side of George Podiebrad, king of Bohemia, until he at length, shortly before his death at Dresden in 1472, sought and obtained absolution. There is a documentary narrative of these last events by J. G. Horn in the Nüztl. Sammlungen zu einer histor. Handbibliothek von Sachsen, Th. 4. (Leipzig, 1728, 4) s. 382 ff.

<sup>30</sup> Diether was elected in June, 1459, and, after much negotiation, confirmed by Pius II. in Mantua, 1460. The bull of deposition, dated 21st August, 1461 (in Raynald. 1461, no. 21, more fully in Müller's Reichstagstheaturum, Th. 2, s. 81), gives first as the reason for the sentence, that Diether had obtained the majority in the election by bribery. The Pope, who was not aware of this fact, when his confirmation was applied for, considering, quam conventui Mantuanensi—sua praesentia admodum utilis esset, required that Diether, sicut jura volunt, pro confirmatione—should appear in person: he, however, modo corporis infirmitatem, modo pauperiem praetendens, had evaded this, and so the Pope at last had granted confirmation to his proctors: procuratores Dietheri ejus nomine et in animam ejus ea nobis juraverunt, quae caeteri Episcopi Romanis Pontificibus jurare consueverant et ultra hoc venturum ipsum personaliter infra annum ad praesentiam nostram. However, he had disappointed all the hopes entertained of him: cum—expectaremus, hunc hominem—ea curare, quae pro tutela Christianae religionis in Mantuensi conventu concluderamus, invitare homines suae nationis ad expeditionem contra Turcos obeundam, ad obediendum in ea re carissimo filio nostro, Friderico Romanorum Imperatori Augusto, ad quem idcirco legatum de latere miseramus ad parandos exercitus, ad solvendas decimas, ac vigesimas et trigesimas contribuendas, et alia praesidia praestanda; homo in reprobum sensum datus—mox cornua erexit in Apostolicam sedem,—Legatum nostrum calumniatus est, qui decimas conaretur exigere, quibus copias contra Turcos armari possent, palamque dicere non est veritus, nos argentum nationis, non fidei defensionem quaerere (this refers to the transactions at Vienna, and the appeal of the electors, note 28).—Inter haec accidit, ut ad instantiam mercatorum, qui pecunias Apostolicae sedi debitas sibi mutuo concesserunt, cum jam satisfactionis tempus praeteriisset, Dietherus ipse excommunicaretur absque nostra conscientia: nam id per iudices inferiores in forma Camerae fieri solet. Quod ubi ad ejus notitiam pervenit,—nos recurrit ad nos,—sed—Apostolicam sedem blasphemans conficto quodam infamatorio libello ad futurum Concilium contra Mantuanam bullam appellavit, excommunicationem ipso facto, a qua nisi a nobis absolvi non potest, et alias poenas contra reos majestatis et haereticae pravitatis fautores a jure fulminatas incurrens. Nec animo irreverenti et infrunito satis fuit, primam sedem his modis contempnere, nisi et divina quoque contemneret, illis se publice immiscens palam et notorie excommunicatus, et in irregularitatem incidens. Then he is charged with not having appeared before the Pope within a year according to his oath, and with having summoned a meeting of the nobles at Frankfort, against the Emperor's will. The Pope had then sent ambassadors to him, qui male vadentem retraherent et in viam reducerent: they had arrived during the meeting of the nobles which Diether had removed to Mayence; here he had admitted also the excommunicated Gregory of Heimburg as Sigismund's ambassador in spite of their warnings. As his designs against the Pope met with no success, he had secretly disavowed the appeal before the legates, but had returned immediately afterward to his former courses. Accordingly, sentence of deposition was pronounced against him. Another bull of the same day (in Müller, s. 85) appoints Adolphus, count of Nassau, to be Archbishop of Mayence. The true state of the case appears even from the Pope's bull of deposition; but still plainer from Diether's own defense, viz. from the *appellatio* mentioned

command, though supported by the Emperor, produced no decided effect: it roused a contest, and the issue of the struggle was not the complete overthrow of Diether, but a partial compromise (Oc-

in that bull (in Senckenberg, *Selecta Juris et Hist.* t. iv. p. 393), from the Defense written in answer to that bull on the Thursday after Michaelmas, 1461 (in Müller, s. 88), and from a second work, printed by the first printer at Mayence, dated the Tuesday after the Sunday *Laetare*, 1462 (in Lehmann's *Speyerscher Chronik*, Buch vii. cap. 105, s. 859). The first charge of simony he refutes in his Defense (Müller, s. 89), by the account of the proceedings at the election, according to which he was unanimously appointed. At Mantua the Pope required from the electoral ambassadors (see *Appellatio* in Senckenberg, iv. p. 393), quatenus se nomine nostro obligarent, ne futuro Concilio daremus operam, neve Principes Germanicæ nationis convocaremus. (Schrift in Lehmann: Dann wolten wir—in die Uffsatzung und Schatzung des zehenden, zwanzigsten und dreissigsten Pfenninges, von seiner Heiligkeit uff Teutschland geschlagen, verwilligt und uns verbunden haben, unser Mit-Churfürsten bey Zeit unsers Lebens ohne S. Heiligk. Wissen und Gefallen nit zu versamlen, unser Bischoff und Suffraganen und Pfaffheit unter uns seyn, nicht zu beruffen, und kein gemein Concilium fürzunehmen gestatten als dz an unser Bottschaft, wir zu S. Heiligk. gesandt hatten, zu mehrmalen gesonnen ist, zweiffelt uns nicht, wir waren solcher unbilllicher Beschwerung vertragen). As the ambassadors would not consent to this, they were dismissed without effecting the object of their mission. Some months after a second embassy was sent to the Pope, to obtain confirmation without those conditions; Cum autem Oratores nostri, antequam ad Cameram Apostolicam pervenissent, litteras nostras atque efficacem obligationem facere cogebantur pro Annata ipsi Camere persolvenda, qua præstita et recepta ilico eis nuncupata est quedam pecuniarum summa gravissima, scilicet XXM. VC. et I. floren. Rhenensium:—obstupuerunt Oratores nostri, nec tamen aliter litteras extrahere potuerunt, nisi in illa obligatione persisterent. Cumque de gravi taxa conquererentur, nihil aliud supererat, quam Camere ipsi Apostolicæ de taxa expressata [satisfacere], subordinatis etiam numulariis, camporibus vel mercatoribus appellatis, qui obligationem respectu Camere Apostolicæ in se receperunt, et a nostris Oratoribus, nedum nostro verum etiam ipsorum propriis nominibus, obligationem seu cautionem acceperunt. Et ita Oratores nostri una cum litteris confirmationis et cæteris, quæ ad consecrationem obtinendam requiruntur, a Romana Curia dimissi sunt. Nos vero admirati, cur tanta summa a nobis exigeretur, cum tamen a prædecessoribus nostris longe minor fuerit persoluta, sciscitasti sumus, quænam vera taxa esset ab Ecclesia Magunt. Camere Apostolicæ debita. Cum vero in hujusmodi investigatione fluctuaremus ambigue nonnihil, certe summam pecuniarum persolvimus, ut jam putaremus illi summae satis appropinquasse, quæ a prædecessore nostro tempore suæ confirmationis fuit persoluta. Obtulimus ergo et nunc offerimus talem summam, qualem prædecessor noster exposuit, seu quæ de jure vel antiqua consuetudine ipsi Camere Apostolicæ ab Ecclesia nostra debita esset. Papa vero, his non contentus, processus poenales contra nos et Oratores nostros supradictos dicitur instituisse, aut comminatur instituire velle. Nobis vero allegantibus, quod ad solutionem promissam a nobis et a nostris extorta est, et error factus, qui nos merito excusat:—responsum est nobis, jam non agere contra nos Romanum Pont. et Collegium Cardinalium, sed mercatores illos, qui se debitores pro nobis constituerunt, quibus et nos de sua cavimus indemnitate; ideo, si Camera nos gravasset, nihilominus mercatoribus illis indemnitatem promissam exsequi teneamur. Quod et nos profecto justum censere-mus, nisi collusio expressa sufficienter mercatoribus ipsis obtaret, qui agentibus Camere subordinati et submissi machinationis hujusmodi non erant inscii. Quod etiam ex hoc fonte clarius deprehenditur, quod, cum mercatores ipsi pecuniam constitutam Dominis Cardinalibus exsolverunt, ipsi sibi caverunt, quod si pecunia illa ipsis mercatoribus per nos soluta non fuerit, mercatoribus ipsis a Dominis Cardinalibus persolveretur, prout ipsorum Card. litteris ad nos missis clare edocti sumus. Rudolf, dean of the cathedral of Worms, Papal legate at the diet of Mayence, contradicted that statement with regard

tober, 1463).<sup>31</sup> In Germany, where the liberal-minded Aeneas Sylvius was not yet forgotten, the opposite policy of Pius II. could not fail to awaken a mingled feeling of doubt and discontent. Thus the Pope was induced to issue a *bullæ retractationum* addressed to the University of Cologne (26th April, 1463); but in this his inconsistency was rather brought to light than justified.<sup>32</sup> Pius II. met with but little better success in France than

to the Annates (in Gobellinus, lib. vi. p. 144): *mentiti omnes sunt, qui vel nummum unum abs te flagitatum asserunt ultra summam in Camera prætaxatam: decem millia auri nummum principalis taxatio requirit, minutaque quæ vocant servitia et litterarum expeditio, et oratorum sumptus circiter quatuor millia deprecant.*—*Ecclesia Treverensis, quæ multo minor est, sub Calisto tertio triginta millia dedit.* From this, however, it would only follow that the money-lender in league with the Curia claimed usury to the amount of 6000 florins. According to the Aschaffenburg concordat, which in this point agrees entirely with that of Constance (§ 131, note 19), one half of the annates was to be paid in the first, the other half in the second year.

<sup>31</sup> The struggle between Diether and his adversary, Adolphus of Nassau, which was carried out in favor of the former by the aid of the Elector Frederick I. of the Palatinate, was brought to an end by the treaty of Zellaheim, 12th October, 1463 (see Serrarii *Her. Mogunt. ad Johannis*, t. ii. p. 192 ss.), which was ratified at Francfort on the 26th October, and acceded to even by the Papal legates. According to it Diether resigned the Archiepiscopal dignity, but retained for his lifetime several of the cities, offices, and customs of Mayence, and was exempted from the Archiepiscopal jurisdiction (Gudenus *Codex Diplom.* t. iv. p. 368). *Und zu stant alz das geschach* (thus writes a contemporary chronicler at Speyer in *Kremer's Gesch. des Kurf. Friedrichs I.*, s. 359), *so hat der Legat, der by dem von Nassau was, das Cruz gemacht über den von Ysenburg und uber sine Diner, und hat auch den Monchen von Franckfurt iren segen geben und absolvirt, wan sie sangent wider des Babates Gebott und hielten es mit den von Ysenburg.* But the new elector Adolphus had to pay the expenses of the absolution, and to execute for this purpose a bond for 500 florins in favor of the Papal legate (Gudenus, iv. p. 372). How glad the Pope was to see the matter thus concluded, is shown by his letter to Diether (in Gudenus, iv. p. 371), in which he overwhelms him with praises and promises on account of his resignation, calling him his *dilectum filium*. A detailed narrative of these proceedings, but in favor of the Pope, may be seen in Gobellinus, lib. iii. p. 64; lib. vi. p. 143 ss.; lib. ix. p. 220; lib. xii. p. 345. Compare especially *Kremer's Gesch. des Kurf. Friedrichs I. v. d. Pfalz. Frankf. u. Leips.* 1765, 4. s. 210 ff., 244 ff., 358 ff. Diether von Ysenburg, *Erzb. u. Kurf. v. Mainz. Erster Theil* (geht bis 1462). Mainz, 1789, 8.

<sup>32</sup> This bull is abridged in Raynald. 1463, no. 114 ss., entire in Harduini *Concill. ix. Hartzheim, Conc. Germ.* v. p. 945: *In minoribus agentes, nondum sacris Ordinibus initiati, cum Basileæ inter eos versaremur, qui se generale Concilium facere, et universalem Ecclesiam repræsentare ajebant, dialogorum quendam libellum* (this is his *Pentologus de rebus Ecclesiæ et Imperii in Pezii Thea. Anecdotorum Novissim.* t. iv. p. 689), *ad vos scripsimus, in quo de auctoritate Concilii generalis, ac de gestis Basiliensium, et Eugenii Papæ contradictione ea probavimus vel damnavimus, quæ probanda vel damnanda censuimus: quantum capiebamus, tantum defendimus aut oppugnavimus: nihil mentiti sumus, nihil ad gratiam, nihil ad odium retulimus. Existimavimus bene agere et recta incedere via, nec mentis nostræ aliud erat objectum, quam publicæ utilitas et amor veri. Sed quis non errat mortalis?—Declinavimus et nos ab utero matris, erravimus in invio et non in via, ambulavimus in tenebris, et procul a vera luce recessimus: nec nobis tantum erravimus, alios quoque in præcipitium traximus, et cæcis ducatum præbentes cæci cum illis in foveam recidimus. Forsitán et aliquos ex vobis scripta nostra decipere, et in devia deduxerunt, quorum sanguinem si de manibus*

in Germany. When he inveighed at Mantua against the Pragmatic Sanction,<sup>33</sup> Charles VII. in return introduced an appeal to

nostris requisierit Dominus, non habemus quod respondere possimus, nisi nos ut homines peccavisse, qui arbitantes rectum iter ostendere obliquum monstravimus. In misericordia tantum Dei spes nostra sita est.—Utinam latuissent quae sunt edita | nam si futuro in saeculo manserint; aut in malignas mentes inciderint, aut incautis fortasse scandalum parient: *qui haec scripsit, inquit, in beati tandem Petri cathedra sedii, et Christi salvatoris vicariatum gessit: ita scripsit Aeneas, qui postea summum Pontificatum adeptus Pius II. appellatus est, nec invenitur mutasse propositum: qui cum elegerunt et in summo Apostolatus vertice collocarunt, ab iis scripta ejus approbata videntur.* Verendum est, ne talia nostris aliquando successoribus objiciantur, et quae fuerunt Aeneae dicantur Pii, atque ab ea sede auctoritatem vendicent, adversus quam ignoranter lataverunt. Cogimur igitur, dilecti filii, b. Augustinum imitari, qui cum aliqua in suis voluminibus erronea inseruisset, retractationes edidit.—Idem et nos faciemus: confitebimur ingenue ignorantias nostras, ne per ea, quae scripsimus juvenes, error irrepat, qui possit in futurum Apostolicam sanctam sedem oppugnare: nam si quem decuit umquam Romani primique throni eminentiam et gloriam defendere ac extollere, nos illi sumus, quos sine ullis meritis pius et misericors Deus sola dispensatione sua ad b. Petri solium, et dilectissimi filii sui, domini nostri Jesu Christi, vicariatum evocavit. Quibus ex rebus dilectiones vestras hortamur, et in Domino commonemus, ne prioribus illis scriptis inhaerentis, aut fidem ullam praestetis, quae supremam Apostolicae sedis auctoritatem quovis pacto elidunt, aut aliquid adstruunt, quod sacrosancta Romana non amplectitur Ecclesia: suadete omnibus ut id solum prae caeteris venerentur, in quo salvator Dominus suos vicarios collocavit.—Requirit autem ordo, ut inferiora a superioribus gubernentur, et ad unum tandem perveniatur tanquam principem et moderatorem cunctorum, quae infra se sunt. Sicut grues unam sequuntur, et in apibus unus est rex, ita et in Ecclesia militante, quae instar triumphantis se habet, unus est omnium moderator et arbiter, Jesu Christi vicarius, a quo tanquam capite omnis in subjecta membra potestas et auctoritas derivatur, quae a Christo Domino Deo nostro sine medio in ipsum infuit.—Petrus igitur et successores ejus Romani Pontifices primatum in Ecclesia tenuerunt, et nos hodie, quamvis indigni, sola Domini voluntate digni, tenemus: et quicumque Romanae secundum canonicas sanctiones praeficitur Ecclesiae, quam primum electus est in sacro collegio, supremam a Deo potestatem sine medio consequitur, et per ordinem in omnem diffundit Ecclesiam: cujus peccata divino judici punienda relinquuntur. Si quid adversus hanc doctrinam inveneritis aut in dialogis, aut in epistolis nostris, quae plures a nobis sunt editae, aut in aliis opusculis nostris (multa enim scripsimus adhuc juvenes), respicite atque contemnite: sequimini quae nunc dicimus, et seni magis quam juveni credite, nec privatam hominem pluris facite quam Pontificem: Aeneam rejicite, Plum recipite: illud gentile nomen parentes indidere nascenti, hoc christianum in Apostolatu suscepimus. Dicent fortasse aliqui, cum Pontificatu hanc nobis opinionem advenisse, et cum dignitate mutatam esse sententiam. Haud ita est, longe aliter actum. Audita, filii, conversationem nostram. Next he relates how, in 1481, he came to Basle as a youth, and was there carried away by the universal feeling, and the authority of famous names, to take the council's side against the Pope: how he was afterward led to doubt by the Emperor Frederick's conduct, and at his court was brought to the knowledge of his error. Lastly, he discourses on the necessity of a monarchical government in the Church, and on the prerogative of the Roman See.

<sup>33</sup> See Pii P. II. Responsio ad Orationem Oratorum Gallicorum in d'Achery Spicilegium, III. p. 811 seq., which first justifies at length the policy of the Pope in favor of Ferdinand, king of Naples, against the claims of the house of Anjou, which were supported by France, and at last, p. 820, approaches the Pragmatic Sanction: Caeterum quia Pragmaticae Sanctionis superius incidit mentio, cujus secreta magis pulsavimus quam aperuimus, urget nos conscientia, imo vero caritas, qua genti vestrae devincti sumus, priusquam dicendi finem facimus, de ea aliqua librare: ne taciturnitas nostra in-

a general council (1460).<sup>34</sup> Lewis XI. repealed that Sanction A.D.

dulgentia reputetur, et quod sanabile vulnus est, fiat mortale, et nos a consorcio vestro oporteat abstinere: quoniam sicut in veteri lege (Lev. xxi. 11), sancitum est, *super omnem animam, quae mortua est, non ingreditur Pontifex*: quod teste Hieronymo perinde accipiendum est ac si dicat, ubicumque peccatum est et in peccato mors, illuc Pontifex non accedat. Cupimus sanctam esse Francorum gentem, et omni carere macula:—at hoc fieri non potest, nisi haec Sanctionis macula seu ruga deponatur, quae quomodo introducta sit ipsi nostis. Certe non auctoritate generalis Synodi, nec Romanorum decreto Pontificum recepta est, quamvis de causis ecclesiasticis tractatus absque placito Romanae sedis stare non possit. Ferunt aliqui idcirco initium ei datum, quia nimis onerarent Romani Pontifices Regnum Franciae, nimiasque pecunias inde corraderent. Mirum si haec ratio Carolum movit, quem praedecessoris sui magni Caroli decebat imitatore esse, cujus haec verba leguntur: *In memoriam b. Petri Apostoli honoremus s. Romanam Ecclesiam:—et licet vix ferendum ab illa s. Sede imponatur jugum, tamen feramus, et pia devotione toleremus* (rather Conc. Tribur. ann. 895, c. 80; see vol. ii. § 25, note 4). Non est credibile Carolum, qui modo regnat, suo sensu hanc Pragmaticam introduxisse. Deceptum putamus, et pie menti suggesta fuisse non vera. Nam quo pacto religiosus Princeps ea servari jussisset, quorum praetextu summa sedis Apostolicae auctoritas laeditur, religionis nostrae vires enervantur, unitasque Ecclesiae et libertas perimitur?—Non ponderamus causarum auditionem, non beneficiorum collationem, non alia multa, quae curare putamus. Illud nos angit, quod animarum perditionem ruinamque ceramus, et nobilissimi Regis gloriam labefactari. Nam quo pacto tolerandum est Clericorum iudices laicos esse factos? Pastorum causas oves cognoscere? Siccine regale genus et sacerdotale sumus? Non explicabimus honoris causa, quantum diminuta est in Gallia sacerdotalis auctoritas. Episcopi norunt, qui pro nutu saecularis potestatis spirituale gladium nunc exercent, nunc recludunt. Praesul vero Romanus, cujus parochia orbis est, cujus provincia nec oceano clauditur, in regno Franciae tantum jurisdictionis habet, quantum placet Parlamento. Non sacrilegum, non parricidam, non haereticum punire permittitur, quamvis Ecclesiasticum, nisi Parlamenti consensus adsit: cujus tantam esse auctoritatem nonnulli existimant, ut censuris etiam nostris praecludere aditum possit. Sic iudex iudicum Romanus Pontifex iudicio Parlamenti subjectus est. Si hoc admittimus, monstruosam Ecclesiam facimus, et hydram multorum capitum introducimus, et unitatem prorsus extinguimus. Periculosa haec res esset, venerabiles fratres, quae hierarchiam omnem confunderet. Nam cur Regibus, cur aliis Praesulibus sui subditi parent, cum ipsi superiori suo non pareant. Quam quisque legem in alium statuit, eam sibi servandam putet. Verendum est, ne prope adsit quod ad Thessalonicenses (2 Thess. ii. 8), significare videtur Apostolus, *quia post discessionem revelabitur homo peccati*. Adventum quippe Antichristi sollicitant, qui discessionem a Romana Ecclesia quaerunt, qualem prae se ferre videntur, quae sub obtentu Pragmaticae Sanctionis fieri dicuntur. Sed credimus haec, ut ante diximus, Regi vestro incognita esse, cujus natura benigna est, et inimica mali. Docendus est et instruendus, ne pestem hanc in suo regno debacchari amplius et animas interficere sinat. Vos Episcopi lucernae estis ardentis coram eo, et candelabra lucentia in domo Domini: sic lucete, ut lux vestra tenebras omnes ac caligines Pragmaticae Sanctionis ex nobili et Christianissima Francorum gente depellat; solumque lumen solis, id est veritatis splendor et veritas eluceat. Quod si Rex vester opera vestra fecerit, et vos mercedem Prophetas recipietis a Domino, et ipsi, per suis progenitoribus majorumque, per omnes orbis Ecclesias, et in Romana potissimum, jure merito et erit et vocabitur Christianissimus.

<sup>34</sup> M. Jo. Dauvet, Procuratoris generalis Protestatio Nullitatis et Appellatio ad futurum Concilium contra orationem Pii II. Pont. habitam in Conventu Mantuano, comminationes ejusdem et censuras publicatas in Carolum VII. Regem Francorum, dd. 10. Febr., 1460 (vis. more Gallicano, and so 1461), in the *Preuves des libertez de l'église Gallicane*, chap. xiii. no. 10, and in Richerii *Hist. Concill. Generali.*, lib. iv. P. i. c. 1. The King here exhorts the Pope, ut rem ipsam maturius atque brevius digerat et consistat,—ut cum sacris generalibus Conciliis pacem foveat. Then he calls upon him—Conci-

1461, in the hope that the Pope might thus be gained over to support the claims of the house of Anjou to the throne of Naples.<sup>35</sup> But as this was not the case, he did not trouble himself to compel his reluctant Parliament to adopt the repeal; and there sprung up in the constitution of the French Church only a wavering state.<sup>36</sup> All these political combinations hindered the

illum plenarium orbis congregare in loco tuto ac libero.—Quod etiam hic maxime necessarium esse videtur pro succurrere fidei orthodoxae: nam licet plura hinc inde invocentur auxilia, et diversae pecuniarum summae variis modis hujus rei praetextu hactenus petitae et collectae sint, parvum tamen aut nullum efficax adversus invasores christianae religionis—praestatur, dum differtur nimium plenarii Concilii provisio.—Et jam tempus decem annorum effluxum dudum est, in quo secundum instituta magnae Synodi Constantiensis ipsum Concilium debebat celebrari. Illis vero, quae in praefato Concilio determinabuntur, Rex devoto et benigno animo acquiescere paratus erit.—Si sanctissimus Dominus noster celebrationem plenarii Concilii in loco libero—facere recusaverit, aut nimium distulerit; volens ipse Dominus noeter Rex, quantum in eo erit, necessitati fidei orthodoxae et universae Ecclesiae succurrere, intendit alios Principes Christianos exhortari, ut omnes unanimiter universalem Ecclesiam in plenario Concilio congregari laborent.

<sup>35</sup> John Godefroy, bishop of Arras, addressed the King, being commissioned by the Pope for the purpose (Gobellinus, lib. vii. p. 188): in a letter dd. 26th October, 1461 (Aenae Sylvii, Ep. 401, and in Raynald. 1461, no. 118, where, however, the beginning is wanting), Pius encouraged the King to put his hand to the work at once, and received his answer so early as 27th November, 1461 (l. c. Ep. 402, in Raynald. l. c. no. 118); Pragmaticam a regno nostro—per praesentes pellimus, dejicimus, stirpitusque abrogamus, et quam qualemvis ante Pragmaticae ipsius editionem circa Ecclesiarum, beneficiorum, aliorumque rerum spiritualium dispositionem, censuram, moderationem in regno nostro—tui praedecessores Martinus V. et Eugenius IV. Romani Pontifices habebant et exercebant, talem eandemque nostro adjutori beatissimo Petro, tibi que successor ipsius reddimus, praestamus et restituimus cum summo imperio, cum judicio libero, cum potestate non coarctata. Tu enim cum scias quid auctoritate divinitus tibi tradita possis, quas pro regni nostri et Ecclesiarum in eo tranquillitate postulabimus, non negliges res necessarias, poterisque semper quod optimum fuerit judicare. Pius, out of gratitude, made the Bishop of Arras a cardinal (Gobell. p. 184). Now the latter first began to write about the Sicilian question: only when the Pope would yield upon this point—sic regis animum placari posse, et Pragmaticam Sanctionem certissime sublatum iri. Lewis had made the same statement to the Episc. Interamnensis: ita demum Pragmaticae Sanctioni finem imponere, si de regno Siciliae ei mos gereretur (l. c. p. 186). Soon after, A.D. 1462, a French embassy appeared, which formally announced the repeal of the Pragmatic Sanction, and thus gave occasion for great festivities; but with regard to the Sicilian question it found the Pope inflexible (l. c. p. 187 s.). Equally vain was an angry letter from Lewis, and a threat that all Frenchmen should remove from Rome (Gobell. lib. viii. p. 207).

<sup>36</sup> See especially Leo X.'s bull *Primitiva*, below, § 185, note 18. The change in the King's mind is shown by the following decrees: dd. 17th February, 1463 (i. e. 1464) in the *Preuves des libertez de l'egl. Gall. chap. xxii. no. 21*: Pius Papa modernus bona Praeulatorum et virorum ecclesiasticorum decedentium, tam saecularium quam regularium, quae nonnulli spolia defunctorum appellant, necnon dimidiam partem fructuum tam beneficiorum incompatibilium, quae dicti viri ecclesiastici, et illorum, quae in commendam obtinent, ac etiam certam portionem seu quotam bonorum et personarum saecularium, tam mobillium quam non mobillium, ejus Camerae Apostolicae per certas ejus constitutiones seu literas, a paucis diebus ut dicitur apud Romam editas, Apostolica esse statuit

efforts of Pius II. against the Turks. His more peculiar attempt,

et decrevit. As oppression, impoverishment, and scandal could not fail to be thus occasioned, and the rights of the crown were assailed, the King now decrees, ut subsidia et onera præmissa, ac alia similia, quæ Collectores, Subcollectores, atque alii Officarii seu Commissarii Romanorum Pontificum—levare et exigere mitterentur, minime levabuntur, colligentur, aut exigentur. All officials were to be on their guard against them, the disobedient were to be punished. Dd. 13th August, 1464, l. c. no. 22: As this decree was not every where obeyed, many of the clergy paid these taxes, for—plusieurs s'efforcent par bulles et commissions Apostoliques, proceder par excommunimens, fulminations, et censures ecclesiastiques, et privation de benefices contre les gens d'Eglise de nostre dit Royaume, qui refusent, ou different de payer les despoilles des trespassez, et la moytié des benefices incompatibles, et des commandes; so the King gave orders, que ausdits Commissaires ou Exécuteurs ne soit obey: mais leur soit prohibé et defendu de faire lesdites exactions, sur peine de confiscation de corps et de biens, et de banissement de nostre Royaume. He likewise forbade his own subjects to pay, under pain of banishment and confiscation of property, Dd. 10th September, 1464, l. c. no. 23: Although, according to the laws of the French Church, no *graces expectatives* could be granted, still, depuis l'obeyssance par nous faicte à feu nostre saint Pere le Pape puis dernièrement et n'agueres trespasé, such grants had been made, en si grand et excessif nombre, et multitude et à toutes manieres de gens, tant estrangers et non lettrez, qu'autres personnes quelsconques, que la chose est venue à telle confusion, qu'à peine y avoit homme d'Eglise en nosdits Royaume et Dauphiné, qui à cause d'icelles graces se peust dire seur en l'assecuracion d'aucun benefice, à l'occasion des *Anteferris*, et autres clauses et prerogatives, qui ont esté mises en icelles graces expectatives, diversitez de regles de Chancellerie Apostolique derogatoires à droict commun, et autrement. Thereby much money had passed out of the country; the competitors were reduced to poverty with their relations: these *gratias expectativas* were made the occasion of attempting the lives of incumbents of benefices: unknown strangers had thrust themselves into benefices in this manner. The King accordingly forbade his subjects—que d'oresnavant ils n'aillent, n'envoyent, soit par bulles (*par billets*), lettres de change n'autres moyens quelsconques, querir, pourchasser, ne obtenir en Cour de Rome graces expectatives; further, qu'aucun d'eux voyent, ou envoient en ladite Cour de Rome pour avoir, n'obtenir quelques Eueschez, —ou autres benefices electifs, sans premierement avoir nos vouloir et consentement de ce faire, le tout sur peine d'encourir nostre indignation, de perdre les deniers, dont leurs procureurs—seroyent trouvez saisis par bulles, lettres de change, ou autres pour porter et envoyer en ladite Cour de Rome à la cause dessusdite, et d'amende arbitraire envers nous. With regard to those who had already obtained such *gratias expectativas* the officers were charged, qu'ils les contraignent à eux en desister et departir; et à revoke, faire casser et annuler à leurs despens tout ce qu'ils auroyent fait au contraire. Nevertheless, that even after this edict much money went to Rome is plain from the representation of the Parliament to the King, A. D. 1465, not 1461 (see § 17, laquelle loy—the Pragmatic Sanction—a esté gardée jusques puis quatre ans, et par le tems de vingt-deux et vingt-trois ans a duré), which is contributed in a Latin translation by Franc. Duarenus De sacris Ministeriis et Beneficiis. Paris, 1551, p. 382 ss., and from him by Flacius in the Catal. Test. Verit. no. 179, but in the original French by Jean du Tillet in the Mémoire sur les libertez de l'Eglise Gallicane in his Recueil des Roys de France, à Paris, 1607, 4. P. iii. p. 339: The mention in the introduction of the *cassation*, que l'on dit avoir esté des decrets, constitutions et ordonnances appellées la Pragmaticque Sanction, is a proof that it could not have been recognized by Parliament. Still it runs, § 72: Et par experience, quæ est rerum magistra, soit advisé et considéré à l'evacuation, qui a esté si excessive depuis la cassation de ladite Pragmaticque, quæ par experience l'on cognoisse et appare, comment ce Royaume est presque tary (*exhausted*), d'o' principalement:—tellement qu'il n'est demouré que monnoye. In the succeeding §§ follows a calculation of the immense sums which had found their way to Rome since the repeal of the Pragmatic Sanction—*tempore Pii et de present*, for Annates, *gratias expecta-*

though in this also he acted in imitation of the ancient pontiffs, to convert the Sultan Mohammed to Christianity by a long letter (1461),<sup>37</sup> remained naturally enough without success. At last he resolved to go forth in person at the head of a crusade; but even this announcement (1463),<sup>38</sup> which in earlier times would have inflamed all princes and nations, now drew together only a worthless rabble.<sup>39</sup> Pius II. intended at any rate to accompany the

tivæ, and the like, and how by this means, and the frequency of grants *in commendam* the Church was going to ruin.

<sup>37</sup> The letter may be found in Aeneas Sylv. Ep. 410, and in Raynald. 1461, no. 44 ss.

<sup>38</sup> Dd. 22d October, 1463; see Aen. Sylv. Ep. 412, in the main also in Raynald. 1463, no. 29 ss. E. g. Et quis erit Christianorum tam feri, tam lapidei, tam ferrei pectoris, qui audiens, Romanum Pontificem b. Petri successorem, Domini nostri Jesu Christi vicarium, aeternae vitae clavigerum, patrem ac magistrum universorum fidelium cum sacro senatu Cardinalium Clerique multitudine in bellum pergere pro tuenda religione, libens domi remaneat? Et quae poterit excusatio quemquam juvare: senex, debilis, aegrotus in expeditionem pergit, et tu juvenis sano ac robusto corpore domi delitesces! Summus sacerdos, Cardinales, Episcopi praelium petunt, et tu Miles, tu Baro, tu Comes, tu Marchio, tu Dux, tu Rex, tu Imperator, in aedibus propriis otiaberis? Siccine perverti hominum officia patieris, ut quae sunt Regum sacerdotes agant, quae nobilitati conveniunt, subire Clerum oporteat? Necessitas ire nos urget, quia non possumus alio pacto pro divinae legis defensione Christianorum animos commovere. Utinam hoc modo commoveamus! After the proclamation of the plenary indulgence which should be granted to all who took part in this crusade, or supported it, with the assurance, non dubitantes, quin animae illorum, quos ad hoc bellum proficisci bona mente contigerit, cum beatissimis ss. Patrum et Angelorum Dei spiritibus post hanc vitam in caelestibus sedibus collocentur, et consortes imperpetuum Christi factae aeterna felicitate fruantur: it proceeds: In tanto Christianae religionis discrimine, quantum a Turcis inpraesentiarum cernitur imminere, nulli dubium esse debet, quin Christiani omnes, tam Reges et Principes, quam alii potentatus, et privati homines ad defensionem catholicae fidei et sanctae legis evangelicae juxta possibilitatem suam cum bonis et corporibus suis de necessitate salutis viriliter assurgere et indesinenter assistere teneantur. Eapropter fideles ipsos Jesu Christi cultores universos et singulos, cujuscumque status et conditionis fuerint, sive pontificali, sive imperatoria, vel regali praeferantur dignitate, harum serie monemus ac requirimus, et in vim promissionis factae in sacri susceptione baptismi et in vim juramenti praestiti, cum dignitatum suarum infulas susceperunt, et per obedientiam nobis debitam, eis et eorum singulis mandamus, ut hanc sanctam expeditionem, ad quam profecturi sumus non sine maximo corporis nostri dispendio, modis quibus possunt quam celerrime adjuvare, et promovere festinent: ab illo, cujus causa agitur, exuberantia suscepturi praemia et in praesenti vita et in futura: negligentes autem negligentur, et in extremo judicii die minime inter illos inventientur quibus dicitur est Dominus: *venite, benedicti patris mei, percipite regnum*, etc.

<sup>39</sup> Vita Pii II. per Joh. Anton. Campanum Episc. Aprutinum (in Muratorii Scriptt. Rer. Ital. III. ii. p. 990), relates how Pius traveled sick from Rome to Ancona: Supra Oriculum maxime consternatus est obvia Crucesignatorum multitudine, quos morae impatientes retinere Carvajalium (the cardinal sent for the purpose) minime poterat, et agmine quum reverterentur, nec rapinis abstinabant: quocirca Medici aversari eo spectaculo illius oculos, obduci lecticae velum perpetuo itinere, causati ventos, jusserunt. Jacobi Card. Papiensis Comment. lib. I. (at the end of Gobell. Comm.) p. 857: Confuxerat eo loci turba multa ex variis gentibus: non satis considerate domo egressa. Etenim cum eos solos evocasset Pius peccatorum proposita venia, qui vel annum, vel anni dimidium suo stipendio in exercitu militarent:—illi tamen nescio quo inconsulto zelo com-



Venetian fleet, but he died at Ancona (15th August, 1464), before he could embark. Paul II.<sup>40</sup> at once distinguished the first days of his rule by the violent repudiation of the conditions of the election which had just before been agreed upon.<sup>41</sup> As much

pulsi veniendum statuerant, credentes stipendium ac victum ministrante Pontifice non defuturum. Cum autem non invenirent, quae sibi animis fixerant,—venditis armis regrediebantur in patriam. Quorum nihilominus misertus ille, ne omnino frustra venisse se angerentur, decreti sui eos participes fecit (i. e. according to Platina, p. 750: absolutos peccatis in patriam remisit). Erant vero inter hos, qui consideratius venientes tolerare ad diem praefinitam militiam possent. Horum ergo traducendorum causa naves Venetorum duas dies jam multos in horas singulas expectabat: sic enim illi facturos se ante receperant; sed cum esse diutius tardarent quam oporteret, qui superfuerant crucifigati morae impatientes catervatim abibant, ita ut non multo post appulis jam navibus milles non superasset, qui illis posset imponi. Ea res causae quoque plurimum accelerandae mortis Pio dedit, dolente eo ac supra modum tristante, quod retineri in eam horam non potuissent.

<sup>40</sup> Platina, who was harshly treated by him, handles him in turn very severely in his *Vitae Pontiff.* Besides him, Michael. Cannesius de Viterbio and Gaspar Veronensis have written the life of this Pope (in Muratorii SS. Rer. Ital. III. ii. p. 998 ss.). Important also for the history of his reign are Jacobi Piccolomini Card. Papiensis († 1479) *Rerum suo tempore gestarum Commentarii*, libb. vii. (from 1464-1469), at the end of Goballini *Comm.* Frf. 1614, p. 848 ss.

<sup>41</sup> To those conditions of election, which Eugene IV. had already been obliged to swear to (see § 182, note 8), several others had been gradually added; compare the *Capitulation* of Pius II. in Raynald. 1458, no. 5. Those which had been sworn to by the cardinals before the election of Paul II. may be seen in Jacobi Card. Papiensis *Comm.*, libb. ii. p. 871: Jurabat vovebatque Deo sanctisque Apostolis Petro et Paulo, quisquis Patrum ad Pontificatum esset assumptus, inchoatam expeditionem in Turcos, quantum Romanae Ecclesiae paterentur opes, continuare, proventumque aluminis ad eam rem integrum adhibere; lapsos etiam curialium nostrorum mores ad Patrum disciplinam restringere; Curiam porro ipsam de provincia in provinciam sine plurium ex Patribus—assensu—non transferre; Concilium generale Christianorum intra triennium cogere, in quo et Principes saeculi ad tuendam religionis causam accenderentur, aegraeque partes Ecclesiae communi medicamento sanitatem reciperent; Cardinales non ante creare, quam ii qui creati jam haberentur, intra viginti quatuor essent reducti, majoremque hoc numero non pati in Ecclesia esse; neminem quoque assumere, qui non trigesimum annum excederet, quique non professus esset vel pontificium jus, vel civile, vel literas sacras; nec nisi unum eumque hujus generis hominem de cognatione sua eligere; in omnibus autem eligendis sententias Patrum non tacitas in aures, ut ante, sed ex subselliis ad declinandos errores palam accipere; de majoribus insuper committendis sacerdotiis non nisi in Consistorio sententiis auditis decernere; jus ad ea nominandorum nulli omnino permittere; diplomata etiam non dare, quibus ad alienum arbitrium eadem se collaturum promitteret; si qua essent antea data, uno edicto adimere; non destituere sede sua Episcopum quemquam Abbatemve postulatione ulla principum, nisi et talionem ex juris forma in se ante reciperent, auditique rei solemnibus iudiciis essent; non Cardinalem, remque suam apprehendere, nisi ex Patrum sententiis; non damnare etiam, nisi ex synodali constitutione, cujus est initium *Praesul*; nil porro ex omni Ecclesiae patrimonio, quod paulo insignius esset, in quemquam distrahere, aut ejus censum minuere, nisi et assenserint Patres, et concessionem subscripserint: lisdem quoque non consulentibus nulli non subdito bellum inferre, aut ad inferendum foedus quodquam inire; testamenta defunctorum Curialium libera sinere; portoria nova nulla inducere, nec vetera augere; Principi Potentatui tributum de Clericis sine ratione nullum concedere; arcium custodes jurejurando, vadimonisque adigere de iis vacante Sede Collegio reposcenti tradendis; eas, ne essent momenti majoris, solis Clericis, qui tamen suae cognationis non essent, com-

money as possible continued to be collected for the Turkish war, but no expedition was undertaken. Germany was crippled not only by the indolence of the Emperor and the tediousness of the imperial diets, but also by the Pope's instigations against George Podiebrad, the heretical King of the Bohemians.<sup>42</sup> The adventurous pilgrimage of the Emperor to Rome (1468) only increased the number of fruitless negotiations.<sup>43</sup> In Italy, Paul was in an incessant controversy with Ferdinand, king of Naples, who desired a release from his feudal tribute; in 1469 this broke out into open war.<sup>44</sup> In France his labors to obtain a formal repeal of the Pragmatic Sanction were thwarted by the steadfastness of the Parliament (1467).<sup>45</sup>

*mittere; eundem vero et arcis custodem et praesidem civitatis non facere; Praesidibus provincia decedentibus administratorum omnium iudices dare; ducem ecclesiastici exercitus ex suo genere non constituere; nil in diplomatibus factum dicere ex fratrum consilio, quod ad verum consulentibus eis decretum non esset; demum primo quoque mensium omnium Consistorio imperare has leges ad innovandam memoriam ex scripto praesenti se recitari. Additum et his est, ut bis quotannis per Calendas Decembres Majasque Patres seorsum a Pontifice convenientes cognoscerent inter se, an servatae illae judicarentur; id si minus factum intelligerent, charitate, quae filiis in parentes est debita usque ad tertia rememorationis officia, transgressionis et perjurii illum monerent, ad servandumque precarentur.* The Pope's flatterers represented it to him as—indignum, vicariam Christi potestatem humanis conditionibus subdi; ipsumque non tam sui arbitrii, quam alienae moderationis ministrum videri; quaerendam libertatem esse, idque agendum, ut auctoritatem Ecclesiae apud se, non Cardinales esse omnes agnoscerent. By their advice the Pope took the following course: novae quaedam leges quasi ex persona Patrum scribuntur, quarum erat obtentus, quod priores illae cognoscebantur inutiles, induxisse eos has novas, quibus tantum obnoxium esse Pontificem vellent. The cardinals were partly persuaded, partly compelled to subscribe this: one alone, Carvajal, was firm in his refusal.

<sup>42</sup> The Pope pronounced sentence of excommunication and deposition against the King, 23d December, 1466, and instigated the German princes, and the kings of Poland and Hungary, to execute the sentence; see Muller's *Reichstagstheaturm*, Th. 2, s. 268 ff. In 1468 Matthias, king of Hungary, at last began a war against the Bohemians, after having first made peace with the Turks for the purpose. Müller, s. 311 ss.

<sup>43</sup> The description of it is in Jacobi Card. Papiensis *Comm.*, lib. vii. p. 438 ss. Müller, Th. 2, s. 319 ff.

<sup>44</sup> Platina in *Vita Pauli*, p. 773. *Jac. Card. Pap. Comm.*, lib. iv. p. 398 ss.; lib. v. p. 403 ss.

<sup>45</sup> The Cardinal Jean Baluc, who was sent to France for this purpose, at once readily obtained the desired edict from the King; but when he brought it to the Parliament for registration, Jean de saint Romain, Procureur général du Roi, opposed the measure: the Parliament delayed, and the University appealed to a council; compare the *Chronique scandaleuse* in the *Mémoires de Phil. de Comines*, ed. par Lenglet du Fresnoy, t. ii. p. 66. *Preuves des libertez de l'église Gall.*, chap. xiii. no. 11. *Bulæ Hist. Univ. Paris*, t. v. p. 684 s.

## § 134.

SIXTUS IV. (9TH AUGUST, 1471–12TH AUGUST, 1484). INNOCENT VIII. (29TH AUGUST, 1484–25TH JULY, 1492). ALEXANDER VI. (11TH AUGUST, 1492–18TH AUGUST, 1503).

Stephanus Infessura (Senatus Populique Romani Scriba s. Cancellarius, about 1494) *Diarium Romanae urbis* from 1294–1494, in *Eccardi Corpus Hist. Med. Aevi*, t. i. p. 1863, and in *Muratorii, Scriptt. Rer. Ital.* III. ii. p. 1109; in the latter with the omission of some offensive passages.

Johannes Burchardus (from Straasburg, caeremoniarum Magister, from 1503 Bishop of Horta, † 1506), *Diarium Curiae Romanae* from 1484–1506. Leibnitz gave some fragments from this work in the *Specimen Hist. Arcanae s. Anecdota de Vita Alex. VI. Papae*. Hanoverae, 1696, 4; Eccard gives a fuller but very erroneous abridgment, from the part upon Alexander VI. in the *Corpus Histor. Medii Aevi*, t. ii. p. 2017 ss. A description of the whole work may be seen in the *Notices et Extraits des MSS. de la Bibl. du Roi*, t. i. p. 68 ss. The best manuscript extant is that at Munich; see *Paulus Sophronizon*. Bd. 6, Heft 1, s. 1. There are contributions also from the *Carlsruhe MS.* *ibid.* s. 6 ff.; Bd. 8, Heft 6; s. 96 ff.

[A new and complete edition, by Gennarelli, Florence, 1855, in a proposed Collection of all works bearing on the earlier Italian History.]

The succession of popes which now follows proves the degeneracy of the cardinals as to all discipline and sense of shame: they were distinguished for nothing but undisguised meanness and wickedness; they were reprobates. True, Sixtus IV. began to push forward the preparations for the Turkish war,<sup>1</sup> with equal zeal

<sup>1</sup> *Vita Sixti IV.* (probably by Platina), in *Muratorii Scriptt. Rer. Ital.* III. ii. p. 1056: *Celebrata coronatione ad rem ecclesiasticam Christianamque componendam animum adjicit. Concilio itaque tantam rem indigere arbitratus, ad Lateranum se id habiturum ostendit, quo bellum Turcis indici commodius posset, quemadmodum Pius Pontifex instituerat, si ei vivere licuisset. At vero dum hac de re maturius consultaretur, Imperator rem Christianam in magno discrimine cernens, Pontificem rogat, ut Utinum habendi Concilium locum idoneum deligat. Sed Pontifex, quum videret Mediolanensium Ducem, aliquotque populos et Italiae Principes id nequaquam approbaturus: quumque etiam proventus suos, belli nervos, absente Curia, imminui videret, non sine suspitione tumultus, si ab urbe discederet, Mantuam primo, mox Anconam proponit, quo Imperator venire commode poterat.—Verum quum hac deliberatione rem in longum protrahi videret, Patrum consensu Legatos decernit, Bessarionem Nicaenum in Galliam, Rodericum Borgiam Vicecancellarium in Hispaniam, Marcum Barbum in Germaniam Pannoniasque.—Oliverium Carafam Neapolitanum Cardinalem classi maritimae in Turcas praefecit magna cum impensa. All without success. When the Emperor, after many deliberations, wished for a new one at the diet of Augsburg in 1478, and requested a Papal legate for the purpose, the Cardinalis Senensis said in Consistory (see *Jacobi Volaterrani Diarium Rom.* in *Muratorii Scriptt. Rer. Ital.* xxiii. p. 94), nullius sibi usum missionem videri: decem intra non multos annos habitos, quorum non sit fructus perceptus: hoc autem incommodi nunquam deesse, quod populorum de nobis innovantur lamenta: etenim magnis apparatibus Principes—ad illos accedere, eorumque sumptuum ferendorum causa tributa suis imponere, atque identidem dicere, imperio Romani Pontificis se proficisci, et adjuvari profectionem necessarium esse: ita miseras plebes non suorum Principum, sed nostras injurias lamentari.*

and bad success; but his chief motive was the small ambition to raise his family from their low estate to the highest rank; and so he allowed his nephew, Jerome Riario,<sup>2</sup> to beguile him into steps which increased still more the embarrassments of Italy, sullied his reputation, and hindered every enterprise against the Turks. First, he favored the conspiracy of the Pazzi against the Medici in Florence, 1478:<sup>3</sup> when this miscarried, and vengeance was taken even upon the clergy, by capital punishment, he made war upon Florence with spiritual weapons, and, in alliance with Naples, with secular arms also.<sup>4</sup> The universal indignation roused by

<sup>2</sup> According to Nicol. Macchiavelli *Hist. Florent.*, lib. vii., both brothers Jerome Riario, count of Imola, and Peter Riario, cardinal, were sons of the Pope: on both, see Raph. Volaterranus, *Anthrop.* l. xxii., below.

<sup>3</sup> An account of the transactions may be seen in the *Excusatio Florentinorum* per D. Barthol. Scalam, dd. 10th August, 1478, in *Laurentii Medicis Magnifici Vita*, auct. Angelo Fabronio (Pisis, 1784, 4), vol. ii. p. 167, in which also the confession of John Baptist Montesecco, a Papal brigand who took an active part in the affair, with regard to the course of the conspiracy, is quoted word for word. Raphael Volaterranus († 1521) *Commentariorum Urbanorum Geographia*, lib. v. On April 26, during high mass, Julian de Medici was murdered in church, Lorenzo escaped, the conspirators were cruelly murdered by the exasperated people, the Archbishop of Pisa was hung from a window of the town-hall. Comp. *Laurentii Medicis Magnifici Vita*, auct. Angelo Fabronio, vol. i. (Pisis, 1784, 4) p. 58 ss. H. Leo's *Gesch. d. Italienischen Staaten*, Th. 4, s. 381 ff.

<sup>4</sup> The Pope's bull of excommunication, dd. 1st June, 1478 (in Raynald. ad h. a. no. 5 ss.), first alleges charges of many kinds against Lorenzo de Medici, chiefly because of the murder of the clergy, and then declares, *quamvis—a praedecessoribus nostris in magnos Principes ob minora facinora acriter saevitum esse conspiciamus,—iniquitatis filios Laurentium, Priores, Vexilliferum, octo de Balia antedictos*, and pronounces all those who had given their assistance against the murdered clergy as *criminis laesae majestatis reos, sacrilegos, excommunicatos, anathematizatos, infames, diffidatos, in-testabiles*. It was further decreed, *eorundem aedificia in ruinam dari debere,—nullum eis debita reddere, nullumve in judicio respondere teneri, nulli quoque filiorum aut nepotum praedictorum—alicujus aperiri debere januam dignitatis aut honoris ecclesiastici vel mundani.—Quidquid in bonis tunc inveniebatur eorundem, fisci et Republicae dominio applicatum fore*. The city and domain of Florence were placed under interdict. On the other hand, the Florentines asked for the opinions of the most renowned canon-lawyers who advised an appeal to a general council (see Fabronius, 1, p. 81. The opinion of Franc. Accoltus Aretinus may be seen in his *Consilia s. Responsa*. Venet. 1573, p. 174). Accordingly, a synod of all the clergy of the Florentine dominions was summoned, which appealed from the Pope to a general council (Macchiavelli *Istoria Florent.*, lib. 8), and in a declaration composed by Gentilis, bishop of Arezzo, on 23d July, 1478, proved the Pope's participation in the crime by means of an accurate account of the transaction, and the confession of John Baptist Montesecco, which was quoted word for word, and also declared his ban and interdict invalid, with the severest reproaches against him. This declaration was printed at the time; see *Storia della Toscana di Lorenzo Pignotti*, t. iv. (Livorno, 1820, 12) p. 122: It was published again, but erroneously, under the title, *Synodus Florentina contra Sixtum IV.* 1770, 8 (without stating the place where it was printed, but still in Italy), and may be found, increased with new errors of the press, in K. Walchner's *polit. Gesch. der im Jahre 1478 zu Florenz gehaltenen grossen Kirchensynode u. des Zwistes dieser Republik mit d. röm. Papste Sixt. IV.* Rotweil, 1825, 8. s. 182 ff. Fabronius in *Laurentii Medicis Vita*, vol. ii. p. 186, has

published it from the autograph. Here we find, p. 139: *Causam tam insolentis odii, et inexpectatae retributionis in familiam de Medicis, quae semper ei et sedi Apostolicae servierat, nullam invenimus, nisi quandam perditam carnis et sanguinis revelationem, qua ob comitem illum suum Hieronymum, in cujus manibus nunc Ecclesia Dei est, delirat, furit, et insanit. Habet hic suus Imolam, s. Romanae Ecclesiae urbem, quam ejecto Thaddeo Manfredo se tenere post mortem sui Pontificis posse diffidebat, nisi vicinum dominium Florentinum aliquo foedere amicitiae obligaret. Major autem obligatio inveniri posse non videbatur, quam si suo beneficio praesentent, qui in ea Republica primates essent: fieri autem id sine status mutatione non poterat, mutari autem status sine morte Laurentii, et Juliani de Medicis impossibile videbatur.—Hac igitur impellente rabie Comes oblitus omnis humani divinique juris, oblitus beneficiorum, oblitus conditionis suae, qui cerdo fuerat, stirpem Cosmanam delere aggreditur, etc. P. 144: Sic se res habuit, Christiani lectores, hac de causa, hoc ordine, his mediis tentata eversio Florentina est. Per haec vestigia eum, qui venit, ut vitam habeant et abundantius habeant, Sixtus secutus est. Sanguis optime de Christiana religione meritus per Principem religionis fusus, violata per Pontificem Ecclesia, polluta per summum sacerdotem sacra sunt. Et haec ne quis ignoret aut excusare possit, confirmat aperto bello, et promulgatis censuris coeptam conjurationem sequitur. Eam mulierculam imitatur, quae vento detectum calvitium ut posteriori veste retegeret, nates detexit. In cubiculo suo, ut vidistis, tractata res est, suus Comes Pactios ad necem armavit, suus Cardinalis familiam caedi, praesentiam sceleri praestitit, suus exercitus fideles fines nostros pro Turcis ingressus est. Quis jam non videat, delirum senem his suis promulgatis censuris voluisse notam macula, lutum stercore lavare?—Sed ad repellendam sententiam ejus—veniamus, etc.—At last, with regard to the murder of the Archbishop, p. 156: *Suspendus leno, suspendus parricida, suspendus lusor, suspendus proditor, et id in ipsa enormitate criminis, dum fureret populus in proditores patriae, quorum hic erat caput, dum cives primarii de salute patriae trepidabant. Archiepiscopus non erat, quem popularis ille furor, dum palatium suum defendit, suspendit: Archiepiscopi enim talia non faciunt. Armatus scuto et ense captus est, in vasor curiae retentus: equis hunc pro Archiepiscopo cognovisset, aut cognitum sacerdotaliter tractasset? Noluissimus ipsum Sixtum sic inventum fuisse a Savonensibus suis. Quod si injiciens manum quocumque modo in Clericum excommunicandus sit, cur non hi, qui manus injecerunt, excommunicantur? Quid miser Laurentius vulneratus et confectus dolore interempti fratris,—de sua vita, de suo statu, de salute patriae anxius impetitur? Quid additur afflicto afflictio, et pro medela illati vulneris vulnus adjungitur? Estne haec illa manifesta et rationabilis causa, pro qua tantam ferri censuram sacri Canones statuerunt? Est hic gladius ille bis acutus ex ore sedentis in throno procedens, ut laudetur peccator in desideriis animae suae, et iniquis benedicatur? Maledicatur innocens, qui pene occisus est: occisor, et proditor patriae bonae memoriae filius appellatur! Haecine memoria, Sixte Pontifex, tuae bonitatis et justitiae? Parricidarumne patrem te Cardinales isti creaverunt?—Perfidia fidem, nocentia innocentiam, scelus bonitatem perdidit, et vis ad nomen censurarum benedictum maledictum existimemus?—Caeterum libenter hic intelligeremus ab eo, qui tot tam constanter proponit, unde nunc maledicat, quod modo benedixit. Nonne illa sua vox fuit, cum audivit suspensum fuisse ob proditorem Archiepiscopum et stipendios: *benedicti vos a Domino, qui hominem suspendistis: nunquam voluissimus praefocis eum illi Ecclesiae!* Nonne etiam mentionem habuit de mittendo Florentiam Legato, qui afflictos consolaretur? Et unde post tam repens exorta in contrarium sententia, tam subito mutata in crudelitatem commiseratio? Nondum erat forsitan captus Joannes Baptista (Montesecco), qui sua confessione Sixti occultam voluntatem in apertam necessitatem converteret: vel pendet ab alio, et est Vicarius alicujus hostis nobis ignoti, et hominis, utinam boni, non ejus, qui Ecclesiam suam super firmam petram fundavit.—P. 162: *Restat ut sententia nulla sit, quae nullam habuit judicandi causam, falsum sit judicium, quod mendacio nititur, excommunicatus sit, qui alios excommunicare vult violenter et injuste. Acceperit Spiritum Sanctum, non simoniace sit creatus, qui vocem suam veri pastoris, non haeretici hominis vult haberi.*—P. 164: *Ad alterum igitur lamen, ipsum scilicet Caesarem semper Augustum confugimus, id enim Dominus, ut huic***

this injustice, the threats of Louis XI., King of France,<sup>5</sup> the peace

nocti praeesset, creavit: Christianissimum Regem Francorum, in cujus tutela Christi Ecclesia est,—invocabimus: omnes Principes et populos Christianos implorabimus, ut, quando jam vident, simoniace creatum Pontificem templa, Cardinales, Missas ad homicidia fidelium exercere, Concilium, ad quod appellavimus, amplius non differant, sponsum illius, in cujus sanguine baptizati sunt, a tanta turpitudine liberent.—Abeat itaque leno, casta erit mater, angularem lapidem non premat petra scandali, etc. The seignory of Florence, on 21st July, 1478, issued a letter to the Pope (first published by Francis Henry Egerton: *Lettre inédite de la Seigneurie de Florence au Pape Sixte IV.* Paris, Mars, 1814, 4; reprinted in Millin, *Magasin Encyclopédique*, Avril, 1814; in Pignotti, t. iv. p. 117; Walchner, s. 159), in which it refutes the charges against Lorenzo de Medici. E. g. Ejicere vis nos e civitate Laurentium de Medicis: hujus autem voluntatis Tuas duas in literis Tuis potissimum causas colligimus, et quod tyrannus noster sit, et quod publico religionis christianae bono adversetur. Quo ergo pacto, ut primam causam primum diluamus, nos liberi erimus Laurentio ejecto, si tuo jussu erit ejectus? Contraria tuae literae loquuntur, quae, dum libertatem pollicentur, imperando auferunt: et, ut isto te labore liberemus, ejicere nos malos cives Tyrannosque didicimus, et administrare rem nostram publicam sine monitoribus. Redi paulum ad te, beatissime pater, oramus: da locum affectibus, qui sacrosantam istam sedem, istam gravitatem et sanctitatem pontificalem adeo decorant. Laurentium de Medicis tyrannum clamitas: at nos populusque noster defensorem nostrae libertatis cum caeteris, quos tu arguis, civibus experimur, et una omnium voce appellamus; parati, in quemcunque rerum eventum omnia ponere pro Laurentii de Medicis salute, et civium reliquorum, in qua quidem publicam salutem et libertatem contineri nemo nostrum dubitat. Quod invehuntur in Laurentium illae literae liberius, nihil est quod contradicamus in praesentia: veritas ipsa satis contradicet et tua conscientia: hoc tamen fatebimur, beatissime pater, movent risum omnibus nobis, tam inaniter, ne dicamus maligne, conficta audientibus.—Movel te fortasse, et de ea re Laurentium succenses, quod e furentibus populi armis Raphaellem Cardinalem, tuum nepotem, eripi curaverit, et salvum reddiderit! Movet, quod trucidato Juliano fratre saucius ipse divina potius quam humana aliqua ope sceleratos gladiis sacrilegosque parricidarum et mortem evitaverit! Si caedi se passus sit ab missis a vobis efferatissimis satellitibus, si arcem libertatis nostrae, publicum Palatium, captum dolis a proditoribus vestris, non recuperassemus, si trucidandos nosmet, ac magistratus nostros, et cives tradidissemus vobis; nihil modo tecum contentionis haberemus.

<sup>5</sup> See the credentials of the King's ambassadors to the Pope, on 20th November, 1478, in the *Preuves des Libertez de l'église Gall.* chap. xiii. no. 12. The King complains in them that, during the threatened danger from the Turks, the Pope and the King of Naples had stirred up *dissensiones et guerras* in Italy. On this account he had gathered together the ecclesiastical and temporal nobles of his kingdom at Orleans, and there it was determined, necessarium esse Concilium generale convocari, et sanctissimo Patri nostro Summo Pontifici fore supplicandum, ut—Concilium generale convocari et teneri faceret,—quodque ipse Summus Pontifex exemplo Christi vellet pacem praedicare, et cum dicta illustrissima Liga (Florence and her allies) pacis unionem inire. Accordingly the King sent this embassy, which was empowered at the same time, casu quo ipse summus Pontifex praemissa facere denegaverit, seu plus debito distulerit, vel aliqua in contrarium praemissorum, aut aliquid contra nos, regnum et regnicolas nostros fecerit, seu in futurum attentare praesumpserit, ad intimidandum et appellationem ab ipso interjectam in congregatione predicta Aureliana, et de novo si opus fuerit appellandum ab ipso summo Pontifice male consulto ad eundem summum Pontificem bene consultum, seu praefatum proximum futurum Concilium universalis Ecclesiae. The embassy was received in January, 1479, in full consistory; see Jacobi Volaterrani (a contemporary Secretarius Apostolicus) *Diarium Romanum in Muratorii Scriptt. Rer. Ital.* xxiii. p. 97 s., and here threatened more definitely, that if the Pope refused to yield, nullae vacationes, nullae pecuniae sinerentur ad Apostolicam sedem ex regno illo venire, or, according to their written declaration in Raynald. 1478, no. 19: quod si non fecerit (Papa), eo ipso petit (Rex) con-

which Ferdinand of Naples concluded with Florence in 1480,<sup>6</sup> and the conquest of Otranto by the Turks (11th August, 1480), forced him to yield.<sup>7</sup> Next the Pope's nephew hankered after the dominions of the house of Este, which ruled in Ferrara: forthwith Sixtus allied himself with Venice against this family; war broke out in May, 1482, and Ferrara, though supported by Naples, seemed upon the point of being forced to submission.<sup>8</sup> Then the nephew allowed himself to be won over by Naples;<sup>9</sup> Sixtus suddenly went over to the other side (December, 1482), and excommunicated Venice.<sup>10</sup> However, this Republic remained so suc-

gregari generale Concilium in aliqua civitate regni sui, et illico Pragmaticam indicis Sanctionem, quam servari jubet in regno suo integerrime. Postremo Praelatos, et quasvis ecclesiasticas personas in Romana curia degentes, et in regno suo habentes beneficia ad ipsa beneficia revocat, et per subtractionem fructuum redire compellit. The Pope decidedly refused all these proposals (l. c. no. 20, ss.): however, the Emperor and Matthias, king of Hungary, were also urgent for peace: the Venetians purchased peace from the Turks, that they might be able to support the Florentines (l. c. no. 30).

<sup>6</sup> Raph. Volaterranus Geogr., lib. v.: Laurentius cum jam periculum imminere conspiceret, ultro decrevit ad Regis hostis misericordiam confugere. Itaque—itinere per mare Tyrrhenum facto Neapolim celeriter adplicuit, ubi humaniter exceptus supplicem veniam petiit, ac cum Rege annui census pactione transegit, paucisque post diebus incolomis ad suos regressus est, ac bellum dissolutum (peace of the sixth March, 1480). Quod factum Pontifex quamquam graviter tulit, quod se neglectum praeteritumque viderit: auxiliis tamen destitutus pacem coactus est facere.

<sup>7</sup> The capture of Otranto alarmed the Pope so much, that at first he thought of taking flight to Avignon; but afterward he began most earnestly to invite all Christian powers to concord, especially to persuade the Italian states to an armistice, and to render their assistance; see Raynald. 1480, no. 17 ss. On the reconciliation of the Florentines with the Pope, see Raph. Volaterranus, l. c.: Quamobrem oratores xii. ad eum missi, qui veniam praeteritorum peterent ac populum Florentinum communi causa expiarent.—Praesul caput legationis orationem in senatu habuit, veniamque petiit praeteritorum. Die deinde dominico primo Adventus (the third of December), anno 1480, omnes mane in porticum basilicae Petri conveniunt, Pontificem atque Patres praestolantes. Ibi Pontifex pro foribus templi procumbentes ad genua viritum de more virga converberatos terga expiavit. Ingressi deinde basilicam sacrificio interfuere, quo peracto domum reducti sunt omnium Patrum familiis comitantibus. Nam prius urbem nemine de more obviam procedente ingressi fuerant. A more detailed account is given by Jacobus Volaterranus Diar. Rom. (Muratori, xxiii. p. 113 ss.).

<sup>8</sup> Leo, Gesch. d. Ital. Staaten. Th. 3, s. 183 ff.

<sup>9</sup> Among the conditions of peace (see Jacob. Volaterr. in Muratori, xxiii. p. 181) was—stipendium Hieronymo Comiti in annos tres xl. aureorum millia.

<sup>10</sup> M. Antonius Sabellius (Professor of Ancient Literature in Venice, † 1506), Hist. Berum Venetiarum, Decadis iv. lib. ii. (in the Istorici delle cose Veneziane, i quali hanno scritto per publico Decreto, in Venezia, 1718, 4. t. i. p. 842): Percusso cum hostibus foedere, tentavit Pontifex per literas Venetos ab armis revocare, atque eo suadendo hortandoque perducere, ut Ferrariensi bello omnino abstinerent, restituerentque Herculi Aestensi, quaecunque ad eam diem armis illi ademissent. (This letter, dd. 11th December, 1482, is in Raynald. ad h. a. no. 19): Patres ea denunciatione moti, etsi certi erant semipartam victoriam nolle abjicere, censuerunt tamen, Pontifici respondendum, ac per literas non illi magis, quam toti Italiae, imo Europeis omnibus demonstrandum:—*Venetos ne injuria quidem lacessitos arma prius inducere voluisse, quam belli, quod postea Her-*

cessful, that her enemies were obliged to make peace without regarding the excommunication (7th August, 1484). Vexation at this hastened the death of the Pope, who was hated as much as he was despised (12th August, 1484).<sup>11</sup> Innocent VIII. succeed-

*culi illatum esset, Pontificem non solum auctorem, sed impulsorem etiam habuissent: nec tum quidem eos a pace multum abhorrere, quin veteri civitatis instituto libenter eam complexuros fuisse, nisi alieno tempore proponeretur, tunc sane, quum jam prope debellatum esset, ac tam indignis conditionibus, ut nil aliud esset illam recipere, quam Venetum nomen omnibus gentibus irridendum exhibere.—Quod ad se attineret, statutum esse, bellum, quod semel summo Pontifice auctore suscepissent, bona ipsius venia ad exitum perducere: quem tam felicem sperarent, quam justa visa esset causa, propter quam illud suscipere debuissent.* Haec et alia in hanc sententiam Venetus. Pontifex autem, pristini foederis oblitus, ubi Venetum in sententia perstare vidit, interdicti spiculum in eum detorsit. The bull, dd. 23. Maj., 1483, is in Raynald. ad h. a. no. 8 ss. However, the interdict could not be carried out in Venice; the Franciscans, who attempted it, were exiled; see Marinus Sanutus († about 1535), in his Lives of the Doges, in Muratori, Script. Rer. Ital. xxii. p. 1228. The Venetians proceeded still further; see *Sixti bulla*, dd. 15. Jul. 1483 (in Raynald. ad h. a. no. 19): accersitis in eorum ducali Palatio nonnullis Praelatis ecclesiasticis tunc Venetiis commorantibus, coram eis, ut honestis personis, a monitionibus et mandatis hujusmodi nostris ad tribunal omnipotentis Dei, et ad id, quod de proximo celebrari debere temere affirmare non erubuerunt, futurum generale Concilium appellare, et ut appellatio ipsa per eosdem Praelatos reciperetur, laudaretur et admitteretur, ac tandem ad nostram deduceretur notitiam procurare, et Christifidelibus, Clero et populo—locorum eorum ditiori obtemperantium, quod praetextu appellationis hujusmodi—mandatis nostris obtemperare non tenerentur,—persuadere—non formidarunt. At the same time (Sabellicus, l. c. p. 858), ad omnes Germaniae et Galliae Reges oratores miserant, qui illos ad publicum conventum ipsi Pontifici ac Christiano nomini indicendum impellerent, ubi fas esset de Pontificis injuria queri, fidemque Christianorum omnium adversus illum implorare.

<sup>11</sup> The conditions of peace may be found in Sabellicus, l. c. p. 863 ss. How great an impression they made on the sick Pope, may be seen in Jacobi Volaterrani Diarium Rom. in Muratori, xxiii. p. 198 s. Stephani Infessurae Diarium urbis Romae in Eccardi Corpus Histor. Medii Aevi, ii. p. 1938: Deinde undecima die (Augusti) accesserunt ad eum Ambasciatores Potentiarum, putantes forte afferre ei aliquod gaudium, et exposuerunt ei, qualiter conclusa esset pax per totam Italiam.—De quo ipse multum obstupuit, et miratus est, quare pax esset conclusa sine eo, attento, ut ipse dicebat, ipsum debuisset principaliter intervenire. Et cum hoc saepius interrogasset ab eis, et audivisset, quod dicta pax esset conclusa adeo, ut non posset amplius retractari, doluit valde. Et causa doloris communi omnium existimatione haec fuit, quia semper in omnibus operibus suis animum ostendit suum in hunc finem et propositum, ut aliquem statum, potentiam sive dominium acquireret Comiti Hieronymo.—Putabat modo in hac pacis conclusione, se posse aliquid dicto Comiti acquirere. Et ista de causa intravit in talem confoederationem, et pecuniam Ecclesiae expendit. Sed postquam vidit, se esse illusum, et cecidisse ab hac spe;—doluit valde, ita ut tam ex primo dolore quam ex novissimo infirmitas sit febre,—et—XII. d. Aug.—mortuus sit Sixtus IV. In quo felicissimo die Deus ipse omnipotens ostendit potentiam suam super terram, liberavitque populum suum Christianum de manu talis impiissimi et iniquissimi regis, cui nullus Dei timor, nullus regendi populi Christiani amor, nulla caritatis et dilectionis affectio; sed solum voluptas inhonesta, avaritia, pompa, seu vana gloria semper et continue praecipue viguit, et in consideratione fuit. Hic, ut fertur vulgo, et experientia demonstravit, puerorum amator et Sodomita fuit. Nam quid fecerit pro pueris, qui serviebant ei in cubiculo, experientia docet, quibus non solum multorum millium ducatorum donavit reditus, verum Cardinalatum, et magnos Episcopatus largiri ausus est. Nam et non propter aliud, ut dicunt quidam, dilexit Comitem Hieronymum, et fratrem Petrum, ejus germanum, ac post Cardinalem s. Sixti, nisi propter Sodomiam.—Hic avarissimus: namque ut notum est



ed to his place; who, in defiance of the conditions of his election,<sup>12</sup> sought with a still more profligate vileness to exalt and en-

omnibus, nullum unquam contulit beneficium cujuscunque generis, nisi soluta pecunia. —Interdum etiam subhastabatur, ut nulla habita ratione peccati, bonus an malus, dignus vel indignus, literatus an illiteratus esset, qui plus offerret, beneficium consequeretur. Cardinalatus quoque et Episcopatus vendidit infinitissimos, de quibus hic narrare non expedit. Hic pecuniarum quaerendarum causa, quas in bellis et pompis consumebat, multa et inexcogitata in Curia Romana officia adinvenit, et vendidit his, qui Scytharum vocabulo denominabantur Stradioti, Jannizari, et Mamaluchi. Hi officiales habebant varia exercitia in Curia, et ex his lucrabantur, et sine dubio ut ex illis pecunias, quas pro consequendis exposuerant, rehabere possent, citra modum lucrum extorquebant. Hic officia multa in urbe, non citra avaritiae causam, perpetua et venalia fecit.—Hic gabellam novam imposuit, ut fornarii sive pistores pro quolibet sacco grani, quod macinandum (to be ground) mittebant, ultra consuetam solutionem unum grossum papale solverent. Hic Datium (*dazio*, impost) sub nomine decimae immoderatum tam a Clericis, quam ab Officialibus exigebat, et quidem sine aliqua misericordia. Fiebat enim praeceptum in ostio Ecclesiae, ut intra certum brevissimum spatium sub excommunicationis et privationis poena et ultra illam, alias centum, et alias quinquaginta Ducati solverentur: quod si ita, ut ponebatur, derepente non esset solutum, Ecclesia ipsa erat interdicta, et Canonici privabantur. Hic Romae dum vixit, panis penuriam semper induxit pecuniarum quaerendarum causa. Nam emebat granum de messibus per omnes ecclesiasticas regiones uno Ducato:—deinde penuria facta—quatuor vel quinque Ducatis revendebat. Aliquidum ex regno Regis Ferdinandi granum foetidum et putridum parvo pretio comparabat, illudque in loco quodam, qui Abundantia vocabatur,—non minori quam tribus Ducatis pro rubio distrahebat. Et quia saepe contingebat, quod tanta grani multitudo ibi consumi non poterat, inter fornarios distribuebat, mandabatque illis, ut sub certa poena non possent aliud quam dictum suum granum consumere seu operari, pro pretio tamen XL. Carlinorum pro quolibet rubio, quod nisi solverent, statim carcerabantur. Panis vero, qui ex dicto frumento fiebat, erat ater, foetidus et abominabilis, et ex necessitate comedeatur, ex quo saepenumero in civitate morbus viguit. Hic poenas omnes cujuscunque generis ad pecuniam reduxit, ita ut, si ignem quis meritus fuisset, soluta aliqua pecunia liberaretur.—Et tandem tantum vigeat in eo avaritiae vitium, ut non puderet, nec erubesceret, si aliquando Camera esset debitor alicujus, et ipse debitum promiserit, denegare, et in sua fide deficere, et aliquando, quod clarissimum erat, denegare.—Hic literatorum et bonos mores habentium inimicus, solum illi grati erant mali, etc. Raphael Volaterranus Comm. urban. Anthropologia, lib. xxii. : Suorum imprimis amantissimus ac indulgentissimus fuit, quorum causa pleraque praeter fas jusque et agebat et concedebat. Petrum ante omnes ejusdem Ordinis (Franciscani) ac patriae, quem a puero una cum Hieronymo fratre sibi educaverat, ad Cardinalatum usque provexit, virum alioquin natum perdundae pecuniae: nam biennio, quo tantum postea vixit, ducenta aureorum millia in luxu victitando solum absumpsit, LX. millia aeris alieni, argenteorum item CCC. pondo dimisit. Decessit tabidus voluptate annorum XXVIII., opificibus maxime desideratus, quorum officinas novis semper lucris et opibus replebat. Hieronymus vero frater, Forolivi Forocornelique princeps factus, post eum rem omnem Ecclesiae administravit, vir ingenio severiore ac voluptatibus praeter unicam venationem minimum deditus. Xistus itaque post hos fratrum sororumque filios extulit: neque enim alter propinquis foecundior fuit. Then follows an enumeration of these advancements, and of the wars which he carried on, ad arma conversus, quibus magis quam religioni natus fuerat. Quam igitur tot tumultibus absumpta pecunia indigeret, nova Collegia primus excogitavit, quae liceretur. These are recounted. Verum haec seu necessitati, seu verius proximis ac ministris tribuenda, nam eo Pontificum nullus nec animo munificentior, nec in dando hilarior, nec in promovendis hominibus promptior repertus fuit. The manner in which he entertained foreign nobles, and beautified Rome with buildings, is then told.

<sup>12</sup> These may be seen in Raynald. 1484, no. 28 ss. The provisions directed against

rich his seven illegitimate children.<sup>13</sup> He carried on two wars with Ferdinand, king of Naples, until the year 1492, and brought forward Renatus, duke of Lorraine, as pretender to his crown.<sup>14</sup> True, he proceeded, as his predecessor had done, to encourage princes and people to undertake expeditions against the Turks;<sup>15</sup> but when Dschem (called Zizim or Zemes in the Western World), the brother and the rival of the Turkish Sultan Bajazet, was delivered over to him in 1489 by the knights of Rhodes, instead of sending him at the head of an army against the Turks, he chose rather to detain him in prison on consideration of an annual tribute from the Turkish Sultan.<sup>16</sup> Alexander VI. likewise, the most

nepotism are no. 80: De parentela et consanguinitate sua non plures quam unum dumtaxat qualificatum (ad Cardinalatum) promovebit; and no. 88: quod arces S. Angeli, civitatis vetulae, Tiburis, Spoleti et Caesena non concedet alicui de parentela sua, nec Praelato, nec saeculari; sed aliis Praelatis et ecclesiasticis personis; neque faciet eundem Castellatum et gubernatorem alicujus civitatis,—nec Capitaneatum generalem Ecclesiae nepoti, nec alicui consanguineo suo concedet.

<sup>13</sup> Infessura (in Murat. III. ii. p. 1189; Eccard. ii. p. 1947) enumerates the grants, which, according to report, Innocent had promised, pro habendis vocibus; and then adds: Quare negari non potest, quin considerata qualitate et vita Viri, qui juvenis et Januensis est, et ex pluribus mulieribus septem filios inter mares et foeminas habet,—ac considerata qualitate electionis, quae multo deterior fuit electione Xisti, quomodo longe pejora et deteriora non sequantur? As early as the fourth day after the election, Cardinales animo insatiabili et quadam voracitate inter se omnia officia saecularia tam urbis quam extra urbem diviserunt. The promise, omnia officia et beneficia Romana concedere Romanis, was not observed. Et sic in ejus principio sequitur vestigia Xisti, etsi grave est unicuique fidem fallere, sed magis Principi. Sed non est mirum, si populum Romanum decepit, quia Deum omnipotentem, cui in promotione castitatem vovit et promisit, et tamen post septem filios habuit, turpiter fefellit atque decepit. Raph. Volaterranus Comment. urban. Anthropologia, lib. xxii. Xisti deinde secutus exemplum quaeustus gratia Secretariorum collegium instituit pristinum numerum augendo; Pontificum etiam primus, qui novum et ipse exemplum introduceret palam liberos nothos jactandi, ac soluta omni antiqua disciplina divitiis eos omnibus cumulandi. The epigram of the day,

Octo Nocens puoros genuit totidemque puellas,  
Hunc merito poterit dicere Roma patrem,

probably adopted the number 8, because Innocent was the eighth of this name.

<sup>14</sup> Ferdinand wished to have the tribute remitted by Innocent VIII., as it had been by Sixtus IV. The Pope entered into an alliance with the disaffected barons of Naples, Ferdinand with the family of Ursini at Rome. The first war began in 1485 (Raynald. h. a. no. 38, 1486, no. 1): on 12th August, 1486, a peace was concluded on terms advantageous to the Pope (Raynald. ad h. a. no. 13), but this was not observed by Ferdinand. Accordingly, differences soon rose again (Raynald. 1487, no. 9 ss.); in 1489 the Pope declared that the King had forfeited his kingdom (Rayn. h. a. no. 5 ss.): the peace of 1492 was a repetition of the earlier one (Rayn. h. a. no. 10 ss.); compare Leo's Gesch. d. Ital. Staaten. Th. 4. s. 611 ff.; s. 617 f.

<sup>15</sup> Raynald. 1484, no. 60 ss.; 1485, no. 1 ss.; 1486, no. 60 ss.; 1488, no. 10 ss.

<sup>16</sup> On Dschem's History, see Jos. v. Hammer's Gesch. des Osmanischen Reiches, Bd. 2 (Pesth, 1828, 8), s. 250 ff. He fled in 1482 to Rhodes. He was kept prisoner in France by the knights of Rhodes; and in 1489 was delivered over to the Pope, who had striven hard to get possession of him, under the pretext of employing him in some expedition

against the Turks. Thus Innocent wrote to the Duke of Bourbon (Raynald. 148a, no. 12): Hortamur nobilitatem tuam, et quanto possumus studio per Redemptoris nostri sanctissimam passionem requirimus, ut pro religione animi tui, et pro communi omnium salute,—[nolueris] pati, ut idem Turci frater ad alias quam nostras manus deveniat: nam si in nostra fuerit potestate, modum et viam adinveniemus, quibus illo tamquam instrumento ad res magnas pro religione Christiana et Dei laude gerendas uti possimus. With regard to Dschem's entry into Rome, 13th March, 1489, and his appearance before the consistory, see Infessura in Murat. III. ii. p. 1224 s. Negotiations with the Sultan were immediately opened at Rome. The Papal legate, Angelus Pechinofius (see the report sent by him to the Pope in June, 1489, in Justus Fontaninus De Antiquitatibus Hortae Coloniae Etruscorum. Rom. 1723, 4, p. 488), had to hear from the King of Hungary: Orator Soldani, qui est Romae, supplicavit Domino sanctissimo pro parte istius Turci, quod sua Sanctitas sit contenta recipere a Soldano ducenta millia Ducatorum, et quod eum det ad manus Soldani, et sua Sanctitas fuit contenta. Sic misit unum hominem ad Rhodum sub praetextu, quod pro aliquibus fratribus religiosissimis Rhodiensium vadat ad Rhodum: sed inde mutatis vestibus ibit ad Soldanum pro compositione istius pecuniae et aliarum rerum.—Quantum autem deceat unum Papam ista facere, sua Sanctitas, quae prudentissima est, potest melius considerare, et quid sicut dicturi alii Christiani Principes, quando ista audierint. The legate could only answer, that the Pope would never deliver up Dschem for 200,000 ducats, as the Sultan had already bidden 600,000 for him. However, the King stood to his point: Domine Legate, si non scit Paternitas vestra, scio ego: et forte, quod plus sunt: sed de ducentis millibus ego sum bene certus. The King himself had wished to get Dschem in his power for his war with the Turks: since it now seemed as if the Pope were going to commit him to a Venetian fleet, the King was on the point of entering into a treaty with the Sultan, for he thought (p. 484): Veneti non in bellum contra Turcum proficiscuntur, sed privata aliqua commoda et privatas eorum passiones ulcisci intendunt, and declared forthwith to the legate (p. 482): sua Sanctitas vult decimas habere: vere non habebitis:—si portabitis illum Turcum per mare, ego portabo fratrem suum, Turcorum Imperatorem per terram in Italiam. Meanwhile the Sultan made an attempt to have Dschem and the Pope poisoned (Infessura, p. 1232); but afterward (Infess. p. 1234) an Ambasciator magni Turci made his appearance, 30th November, 1490, with rich gifts for the Pope (the lance with which the side of Christ was pierced belonged to their number, and the Pope received it as genuine, regardless of the representations made to him that the lance was already shown in Nuremberg and Paris; see Burchard, in the Notices et extraits, t. i. p. 94), and offered to him, quod, si retineret dictum Turcam, pro censu se daturum quadraginta millia Ducatorum pro quolibet anno, quousque ipsum retinuerit. Item obtulit pacem et perpetuam securitatem inter Christianos et Turcas, et quod Christiani de caetero possent ire et redire in terras ejus libere et absque aliquo timore. However, an interview with Dschem must be granted him, for he declared, se nolle solvere tributum praedictum, nisi eum oculata fide videret. Et ita dixit se habuisse in mandatis, ne forte diceretur vivus, et mortuus esset. Compare, with reference to Dschem's history, the Abbot Ludovicus Tubero Comm. de Temporibus suis, from 1490-1522, lib. vi. § 6 and 7, in Schwandtner Scriptt. Rerum Hungaricarum, t. ii. p. 214 s. He first relates, § 7, how Matthias, king of Hungary, had toiled in vain with the King of France to get Dschem into his power, sperans, si Gemium in potestate haberet, non solum facile consecuturum, ut Bajazethes intra fines suos sese contineret, atque invalidior viribus fieret (certo enim sciebat, Gemium a popularibus studio, ut fit, novarum rerum valde desiderari); verum etiam se bonam Imperii partem eo facto Turcis ademturum: quippe arbitratur, Bajazethem fraterno metu nullam pacis conditionem ab se dictam recusaturum. Then he proceeds: Non ita multo post Innocentius VIII. Pontifex Romanus et sibi amplum fore putans, Regem Turcam tributarium habere, et tanto auro, cujus quidem sacerdotes hac tempestate maxime avidi sunt, potiri cupiens, oblata Rhodiorum Principi dignitate, qua Cardinales sacerdotes Romanae Ecclesiae insigniti sunt, agit cum illo, ut Turcam sibi traderet. Rhodius, non parvum fortunae suae additamentum existimans, in collegium Cardinalium cooptari, accepta conditione hominem suae fidei commissum hujusmodi

depraved of all the Popes (from 11th August, 1492),<sup>17</sup> recognized no loftier aim than to heap honors and possessions upon his five illegitimate children, and among them especially his favorite, Caesar Borgia.<sup>18</sup> When Charles VIII., king of France, wished to assert the claims of the house of Anjou upon Naples, Alexander at first suffered himself to be won over, by large gifts bestowed upon his sons, to the side of Ferdinand, king of Naples, and after his death (25th January, 1494), to favor his son Alphonso II.;<sup>19</sup> he threatened Charles with excommunication,<sup>20</sup> and sought aid from Turkey for himself.<sup>21</sup> However, when Charles appeared in

*facile permutat magistratu. Itaque vidimus, si Deo placet, non pecunia modo, quod jam solemne est, sed etiam perfidia atque humano sanguine sacerdotia apud Christianos parari, si Christiani appellandi sunt, qui nihil praeter nomen habent Christianorum.*

<sup>17</sup> In spite of the urgent remonstrances which were brought before the cardinals when proceeding to a fresh election, in the sermons of Leonellus, Episc. Concordiensis (in Raynald. 1492, no. 24 s.), and of Bernardinus Carvajal, Episc. Pacensis (in Martene Thes. Anecd. II., p. 1774 ss.), all of them, five only excepted, let themselves be bribed by Roderick Borgia to elect him: he now ascended the Papal throne as Alexander VI.; see *Infesura* in Eccard. ii. p. 2008, sq.

<sup>18</sup> Thus, on 10th June, 1493, he married his daughter Lucretia to Alexander, lord of Pezaro, after separating her from her former husband, and satisfying him with money: he held a magnificent bridal feast in the Papal palace, the proceedings at which were by no means peculiarly decorous; see *Infesura* in Eccard. ii. p. 2011 sq. *Infesura* remarks on the occasion: Alexander consuetudinem jam coeptam per Innocentium de maritanda prole foeminina prosecutus est et ampliavit. Incumbit igitur Clerus omnis, et quidem cum diligentia circa sobolem procreandam. Itaque a majori usque ad minimum concubinas in figura matrimonii, et quidem publice attinent. Quod nisi a Deo provideatur, transibit haec corruptio usque ad Monachos et Religiosos, quamvis Monasteria urbis quasi omnia jam facta sint lupanaria, nemine contradicente. Raphael Volaterranus Comm. urb. Anthropologia, lib. xxii.: Alexander deinde nihil prius habuit quam Innocentii exemplo suos nothos honoribus, verum longe majoribus extollere, quando jam res haec honori et gloriae coepit esse. Itaque *Lucretiam* filiam prius Jo. Sfortiae Pisauriensi Principi locavit, deinde abdicatam (forsaken by her husband; see Machiavelli, Hist. Fragmente, translated by Leo, s. 114) Aloisio Aragoni Alfonsi Regis filio notho, quo demum interfecto Alfonso Estensi Ferrariae Duci, cum quo adhuc perseverat. Ex filiis vero alterum minorem natu in regno Siciliae Principem fecit (see note 19), alium *Caesarum* Cardinalem (1493. Ludov. Tubero, lib. viii. § 15: vix puberem Cardinalem designavit, ementitus, non ex se genitum esse, sed ex viro, cujus uxorem, quod satis constat, ipse adulteraverat), majorem quoque in Hispania ducem (John Borgia of Aragon, duke of Gandia, whom in 1497 he invested with the dukedom of Benevento also; see Burchardus in Eccard. ii. p. 2081).

<sup>19</sup> Leop. Ranke's Geschichte der Romanischen u. Germanischen Völker, from 1494 to 1535, Bd. 1 (Leipz. u. Berlin, 1824), s. 30. Leo's Gesch. v. Italien. Th. 5, s. 71 ff. For instance, Giuffredi Borgia received a natural daughter of King Alphonso for his wife, and with her the dukedom of Squillace by way of dowry.

<sup>20</sup> On the Pope's efforts to keep Charles away from Italy, see Raynald. 1494, no. 15 ss. After Alexander had invested Alphonso with Naples, the French ambassador appealed against this in consistory to a general council; the Pope required, on the contrary, that Charles should leave to him the decision of his claims, l. c. no. 18, and threatened him with the anathema decreed by Pius II. at Mantua in case of such an appeal (l. c. no. 20).

<sup>21</sup> In July, 1494, the Pope held a conference with Alphonso, king of Naples, at Vico-

Rome (31st December, 1494), the Pope went over to his side immediately, and delivered up to him Prince Dschem; but he took care to have him poisoned immediately, that he might not lose the

varium, in consequence of which both sent ambassadors to the Turkish Sultan (Burchardi Diarium in Eccard. ii. p. 2047, and Raynald, 1494, no. 21). The Papal envoy was arrested, and the instructions given him by the Pope found upon him. These instructions, and five letters from the Sultan to the Pope, may be seen in Burchardi Diarium in Eccard. ii. p. 2053 ss., and in the Mémoires de Phil. de Comines, nouvelle édition par Messieurs Godefroy, augmentée par M. l'Abbé Lenglet du Fresnoy, t. iv. P. ii. (Londres et Paris, 1747, 4), p. 47 ss. The Sultan's five letters are also given in the Fundgruben des Orients, Bd. 5 (Wien, 1816, fol.), s. 183 (all three editions are from different MSS.): The Papal instructions of June, 1494, charge the nuncio George Bocciardo to set plainly before the Magnus Turca, Sultan Bajazet, qualiter Rex Franciæ properat cum maxima potentia terrestri et maritima—huc Romam veniens eripere e manibus nostris Gem Sultan, fratrem Celsitudinis suæ, et acquirere Regnum Neapolitanum,—sed etiam in Græciam transfretare, et patrias Celsitudinis suæ debellare.—Et cum nobis opus sit resistere,—cogimur ad subsidium præfati Sultan Bajazet recurrere, sperantes in amicitia bona, quam ad invicem habemus, quod in tali necessitate juvabit nos: quem rogabis, et nomine nostro exhortaberis, ac ex te persuadebis cum omni instantia, ut placeat sibi quam citius mittere nobis Ducatus quadraginta millia in auro Venetos pro annata anni præsentis, quæ finiet ultimo die Novembris venturi (the annual payment for Dschem's detention). As much advantage might be gained by the support of the Venetians, persuadebis et exhortaberis Majestatem suam, quam tenemur certiozem reddere ob veram et bonam amicitiam, quam habemus ad invicem, ne patiatur aliquod interesse, ut statim mittat unum Oratorem ad Dominium Venetorum:—quos exhortetur et adstringat, quod pro quanto cari pendant amicitiam suam, debeant esse adjumento et defensionis nostræ et Regis Alfonsi terra marique.—Denotabis pariter magno Turco adventum Oratoris magni Soldani (Sultan of Egypt) ad nos cum litteris et muneribus, quæ transmisit nobis,—et promissiones, quas nobis fecit de magno thesauro, ac de multis aliis rebus (that is, if Dschem were delivered up to him); significabis Majestati suæ intentionem nostram, in quantum sibi promisimus, firmiter tenebimus, et nunquam contraveniemus in aliqua re: imo nostræ intentionis est accrescere et meliorare nostram bonam amicitiam. Bene gratum nobis esset, et de hoc multum precamur et hortamur D. Serenissimum, quod pro aliquo tempore non impediatur Hungarum, neque in aliqua parte Christianitatis, et maxime in Croatia et civitatibus Ragusiae et Leguiae: quod faciendo et observando nos faciemus, quod Hungarus non inferat ei aliquod damnum, et in hoc Majestas sua habebit compassionem complacendi nobis, attento maxime motu Francorum, et aliorum Principum. Quodsi in bellando perseveraret, habeat pro comperto sua Magnitudo quod in ejus auxilio essent quam plures Principes Christiani, et doleret Majestatem suam non fecisse secundum consilium nostrum, quod damus sibi primo ex officio, quando sinus pater et dominus omnium Christianorum, postea desideramus quietem Majestatis suæ ad bonam et mutuam amicitiam: quoniam si aliter Majestas sua statueret prosequi et molestare Christianos, cogeremur rebus consulere, cum aliter non possemus obviare maximis apparatus, qui fiunt contra Majestatem suam. In the Sultan's answers, all of the 15th and 18th September, 1494, beside the concession of the Pope's requests, the following noticeable passages occur. In the fourth: notum sit Tuo supremo Pontificio, quemadmodum Rev. Dominus Nicolaus Cibo Archiepiscopus Arelatensis est dignus et fidelis homo.—Hujus igitur rei causa justum est a vobis decerni, majori in ordine ipsum esse debere: unde et rogavimus dictum supremum Pontificem (*Innocentium VIII.*), ut faceret illum Cardinalem, et assensus est nostræ petitioni.—Verum quia non erat tempus, id est Septembris mensis, non sedet in ordine suo.—Ea de causa scribimus et rogamus Tuam Magnitudinem,—ut adimpleat ipsi Tuum Pontificium, videlicet ut faceret ipsum perfectum Cardinalem. In the fifth: Inter alia mihi retulit (*Georgius Bussardus*), quomodo Rex Franciæ animatus est habere Gem fratrem nostrum, qui est in manibus

promised price set upon his head by the Sultan.<sup>22</sup> In March, 1495, the Pope allied himself again with the Emperor and the King of Spain, in order to drive the French out of Italy.<sup>23</sup> But

vestrae Potentiae: quod esset multum contra voluntatem nostram, et vestrae Magnitudi-  
ni sequeretur maximum damnum, vosque et omnes Christiani paterentur detrimentum.  
Idcirco una cum praedicto Georgio cogitare coepimus: pro quiete, utilitate et honore  
vestrae Potentiae, et adhuc pro mea satisfactione bonum esset, quod dictum Gem meum  
fratrem, qui subjectus est morti et detinetur in manibus vestrae Magnitudinis, omnino  
mori faceretis, quod, si vita careret, esset et vestrae Potentiae utile, et quieti commodis-  
simum, mihique gratissimum. Et si in hoc Magnitudo vestra contentabit complacere  
nobis, prout in sua prudentia confidimus facere velle, debet pro meliori Suae Potentiae,  
et pro majori nostra satisfactione, quanto citius poterit, illo meliori modo, quo placebit  
Vestrae Magnitudini, dictum Gem Jevari facere de angustiis istius mundi, et transferri  
ejus animam in alterum saeculum, ubi meliorem habebit quietem. Et si hoc adimplere  
faciet Vestra Potentia, et mandabit nobis corpus suum in qualicumque loco citra mare  
nostrum; promittimus Nos Sultan Bajazet superscriptus in quocumque loco placuerit  
Vestrae Magnitudini Ducatorum trecenta millia ad emenda filiis suis aliqua dominia,  
quae Ducatorum trecenta millia consignare faciemus illi cui ordinabit Vestra Magnitu-  
do, antequam sit nobis dictum corpus datum, et per vestros meis consignatum. Adhuc  
promitto Vestrae Potentiae, quod vita mea comite et quamdiu vixero, habebimus sem-  
per bonam et magnam amicitiam cum eadem Vestra Magnitudine sine aliqua decep-  
tione, et eidem faciemus omnia beneplacita et gratias nobiles. The Sultan also agreed  
to disquiet the Christians no more, and at last he confirmed all these promises with a  
solemn oath.

<sup>22</sup> Burchardus in Eccard. ii. p. 2066; more correctly in Raynald. 1495, no. 12: FERIA  
quarta, vigesima quinta Februarii Gem, frater Magni Turcae, qui nuper Regi Francorum  
per sanctissimum Dominum nostrum ex pacto et conventionione inter eos stipulatis fuerat  
consignatus, in civitate Neapolitana et castro Capuano ex esu sive potu naturae suae  
non convenienti vita est functus, cujus cadaver deinde ad instantiam et preces magni  
Turcae eidem magno Turcae cum tota defuncti familia missum est, qui propterea dicitur  
magnam pecuniarum summam persolvisse seu donasse, et familiam ipsam in gratiam  
recepisse. Ludovicus Turbero (see note 16), lib. vi. § 7, in Schwandtner, ii. p. 216:  
Mortuo Innocentio Alexander, Pontificatum pecunia adeptus, Gemium in Caroli VIII.  
Francorum Regis, tunc Neapolitanum regnum petentis, coactus—permisit potestatem,  
dato ei prius veneno haud quidem praesentaneo, sed quod ad occultandam facinoris invidiam  
aliquot diebus mortem protraheret. Ferunt autem, hunc Pontificem adeo deplorata  
vita, atque ad extremum perditum fuisse, ut omnia sacra pretio venderet. Quosdam  
insuper Cardinales divitiis notos veneno sustulisse dicitur, quo eorum pecuniis libe-  
rorum suorum ex adulterio susceptorum fortunam augetet. Quare ejus aetate per totum  
fere Christianum orbem hi versiculi passim decantabantur:

Vendit Alexander claves, Altaria, Christum:  
Emerat ista prius, vendere jure potest.

Unde omnibus persuasum est, ipsum Pontificem, qui verius Carnificis nomen obtinere  
debit, Venetis quoque non solum consciis, sed etiam internuntiis, propter simulatam,  
quam cum Rege Carolo habebant, ingentis pecuniae pactione ad hoc scelus a Bajazethe  
esse inductum, qui quidem in securitatem suam—fratrem e medio tolli magnopere optabat.  
Atque in hunc maxime modum Christiani, Turcis praesertim finitimi, a quibus  
minime oportuit, pene proditi sunt. Nam Bajazethes, domestico metu liberatus, statim  
animo consilia volutare coepit Christianos aperte oppugnandi, atque opportunitate re-  
rum gerendarum, quae ad illam diem haudquaquam patuerat, uti. Compare Hammer's  
Gesch. des Osman. Reiches. Bd. 2, s. 277.

<sup>23</sup> L. Ranke's Gesch. der Roman. u. German. Völker, v. 1494–1535. Bd. 1, s. 62 ff.  
Leo's Gesch. v. Italien. Th. 5, s. 96 ff.

not long after he quarreled with Frederick, the new King of Naples, brother of Alphonso II., who refused to satisfy the extravagant demands of Caesar Borgia,<sup>24</sup> and once more made proposals to Lewis XII., king of France. Every thing was now possible in Rome: the Cardinal, Caesar Borgia, was released from his ecclesiastical profession,<sup>25</sup> Lewis XII. was divorced from his wife.<sup>26</sup> In acknowledgment of this, Lewis raised the former to the duke-

<sup>24</sup> John of Borgia was murdered four weeks after his exaltation to the dukedom of Benevento (see note 18), as is expressly stated by Lud. Tubero, lib. viii. § 15, Machiavelli († 1527. Hist. Fragmente von Nicolo di Bernardo dei Machiavelli, translated into German by H. Leo, Hannover, 1828, 8, s. 115) and Guicciardini, lib. iii. This was done, they say, at the instigation of his brother Caesar Borgia, who endeavored from this time forth to be released from his ecclesiastical profession, and loaded with worldly honors in place of his brother. Accordingly, he demanded from King Frederick his eldest daughter to wife, and the principality of Tarentum for her dowry; see Machiavelli, *ibid.* s. 159. Guicciardini, lib. iv. Ranke, s. 169 ff.

<sup>25</sup> Burchardus in Eccard. ii. p. 2096; Feria sexta, decima tertia Augusti (1498), in secreto Consistorio Dominus Cardinalis Valentinus proposuit, se ab ineunte aetate inclinatum semper fuisse statui saeculari, sed Sanctissimum Dominum nostrum voluisse, ut se daret statui ecclesiastico, et ad Ordinem se promoveri Diaconatus, cujus voluntati se opponere visum non est. Cum autem omnis ejus voluntas et inclinatio sit adhuc ad statum saecularem, supplicavit, S. D. N. dignaretur cum singulari clementia prosequendo secum dispensare, ut dimissis habitu et dignitate ecclesiastica liceat ei redire ad saeculum, ac matrimonium contrahere. Et reverendissimos Domino Cardinales rogavit, quatenus hujusmodi dispensationi consentire vellent, et cum eo S. D. N. supplicare.—Cardinales omnes communiter concordati voto remiserunt dispensationem hujusmodi arbitrio et voluntati ejusdem S. D. N.—Lud. Tubero, lib. viii. § 15; in Schwandtner, ii. p. 282: Hoc parricidio (the murder of his brother, note 24) admissio Caesar Cardinalatu, quem a patre ultro oblatum non religionis studio, sed spe, ut plerique faciunt, opulentioris fortunae acceperat, sese sponte abdicavit, palam professus, se a Pontifice progenitum, et ob id tanto nequaquam idoneum sacerdotio: aequae ac majus flagitium esset, illegitime natum summum sacerdotium obtinere, quam sacris Deoque dicatis pecuniis, ac in hospitalitatem absumendis abuti, atque his ipsis regna, pulsus justis regibus, per nefas parare. Thereupon, in 1500, Caesar was raised by the Pope to be Capitaneus Generalis et Confalonarius S. Romanae Ecclesiae, Burchard, p. 2115.

<sup>26</sup> Lewis, duke of Orleans, succeeded his cousin Charles VIII. in April, 1498. Ludov. Tubero, lib. vii. § 14; in Schwandtner, ii. p. 254: Qui (Ludovicus Aurelianensis) quidem una cum regno uxorem etiam ipsius Regis in matrimonium accepit, prima conjuge novo inter Christianos exemplo repudiata, apud quos sane conjugium non nisi morte alterius dirimitur. Ferunt autem, Aurelianensem hoc consilio tantum facinus Alexandro VI. Romano Pontifice annuente admisisse, ne scilicet a Francorum regno Armoricae civitates, quas gentes nunc Britones vocant, ad imperium et jus Annae uxoris Caroli spectantes, deficerent, si illa alium virum sibi matrimonio adjungeret. Haec enim mulier, nulla in domo paterna virili sobole superstite, Britonum regionem haereditario jure obtinebat. Nec mirum, si tales nuptiae ab Alexandro VI. Romano Pontifice permittae sunt: cum et ipse Alexander filiam suam, ex quadam adultera susceptam, atque cum Principe Pisauriensium matrimonio conjunctam (see note 18), e viri thalamo adversus leges pontificias abriperit, atque alii in matrimonium, sola fortunatioris conjugii spe, dederit. What reasons were offered as a pretext for the divorce, how Caesar Borgia kept back the document at first, but how the king, so soon as he got intelligence of its existence, consummated the marriage notwithstanding, may be seen in Machiavelli's Hist. Fragmente, transl. by Leo, s. 154 f.

dom of Valentinois (1498), and then supported him with an army in his attempt to vanquish the powerful vassals of the States of the Church one by one, and create a principality for himself out of their dominions.<sup>27</sup> Naples, on the other side, with the consent

<sup>27</sup> Raph. Volaterrani Comm. Urb. Anthropologia, lib. xxii.: Post ejus (the Duke John of Borgia) mortem Caesar Cardinalis spreto sacerdotio ejusque ordine, cupidus dominandi se ad Ludovicum Galliae Regem cum magna vi auri ac suppellectilis contulit, ejusque propinquam de Lebreto (Charlotte d'Albret, sister of the King of Navarre) in matrimonium una cum oppido Valentia accepit. Regis deinde auxilio perpetuoque foedere multum in Italia sibi ditionis paravit, Aemiliam imprimis omnem praeter Bononiam ejectis partimque necatis antiquis familiarum possessoribus (out of which the Pope created the dukedom of Romagna for Caesar in 1501), in Etruria Populinum, in Piceno Camerinum, Senogalliam, Urbinum, quod ex omnibus per proditionem cepit. Nam cum ut hospes et amicus a Guidone Duce cum exercitu apud Callium exciperetur, extemplo dato signo urbem eam corripuit: inde prope Urbinum invadi mandat. Guido vero cum non satis virium improvisus ad resistendum haberet, ne in manus hostis perveniret, statim relictis omnibus nocte sequenti paucis comitibus ad sororium suum Mantuam aufugit. Pontifex interim Roma supplementa res agenti mittebat, una tantum cogitatione occupatus, quoniam modo eum maximum Principum constitueret: eapropter in animum induxit proceres urbi finitimos alia atque alia de causa prorsus omnes extinguere: cepitque a Cajetanis, vetusta familia, qui nonnulla apud Volscos oppida possidebant, Jacobum Protonotarium ex ea gente Honorati filium carcere inclusum necavit, adolescentemque unicum Colae filium familiae superstitem absentem trucidari jussit, Columnensium deinde Gallorum auxilio expulso imperium omne Invasit. Quod reliquum erat cum ad Ursinos anhelaret, nec satis causae haberet, occasionem est nactus, quam optanti hominum promittere nemo potuisset, ipsa dies jam obtulit ultro. Contigit nempe, ut ipsimet Ursini tantos Caesaris successus tantamque imperandi cupiditatem adspicientes sibi quamque amicis timerent, ne cunctis jam sublatis ipsi quoque delerentur. Itaque cum his, qui pari formidine adiciebantur una conspirant. Erant autem hi Joannes Bentivolius, Joannes Paulus Balio Perusinus, Vitellocius Tifernas, Liberoctus Firmanus, Pandulfus Petruclus Senensis, Baptista Cardinalis et Paulus Ursini. Qui omnes prope Perusiam concilio facto contra Caesarem conjurant, e vestigioque irruptione facta Urbinum recipiunt et Camerinum, cohortesque Caesarianas quae ad succurrendum mittebantur in itinere adorti adfligunt, aliaque Aemiliae oppida tentare continuo festinant. Pontifex hoc accepto nuntio magnopere commotus omni studio placare sibi Ursinos imprimis conabatur, quod facile cunctos ipsorum sperabat auctoritatem secuturos. Itaque omni pollicitatione, humanitate, conditioneque delinitos in suam sententiam adduxit. Illi conciliati jam capta restituunt, de novoque Senogalliam Caesaris acquirunt, ubi Paulus et Graviniae dux Ursini, Vitellocius et Liberoctus una convenerant. Caesar igitur, qui Forocornelii se continebat, opportunum tempus se vindicandi ratus, eo cum exercitu Vasconum de improvisis proficiscitur; illi obviam inermes procedentes veniam petunt praeteritorum; humaniter excepti sunt, custodiaeque interim clam adhibitae, ne fugere possent. Itaque jam deducendi officio functi cum discedere vellent, simulatione simul colloquendi restare jussi sunt. Cum in conclave venissent, extemplo clausa janua, et a militibus ad hoc ordinatis capti Vitellocius et Liberoctus eodem die strangulati, paucis post diebus reliqui (December, 1502, January, 1503). Nec mora, Perusia Tifernumque ejectis Vitelliis ac Balionibus Pontifici sese dederunt. Pontifex interea Romae ubi per nuntium celerem noctu captos hos esse accepit, Cardinalem Ursinum, quem multa prius blanditia speque securum reddiderat, mane hortatur ad Palatium venire, fingitque Columnenses prope urbem adesse, pontesque cepisse. Ille credulus ubi obtemperavit, capitur et in molem Hadriani conjicitur cum Abbate Alviano Ursinarum partium. Praesul vero Florentinus et Jacobus Sanctacrucius eadem hora capti in Palatio sunt custoditi. Sanctacrucius postera die dimissus vadibus datis, consentiente Car-



of the Pope, was plundered by France and Spain together (1501);<sup>28</sup> but so early as 1503 it fell under the sole dominion of Spain.<sup>29</sup> Meanwhile Alexander was seeking, by traffic in benefices, sale of indulgences, exercise of the right of spoils, and taxes for the Turkish war, as well as by the murder of rich or troublesome persons, to scrape together as much money as possible, to support the wanton luxury and shameful licentiousness of his court, and provide treasures for his children.<sup>30</sup> At length the poison which

dinale, ad oppida Ursinorum Pontifici adsignanda: ipse vero Cardinalis paucis post diebus est elatus, causa mortis omnibus facile iudicata (Burchardus in Eccard. ii. p. 2150: biberat, ut vulgo aestimabatur, calicem ordinatum, et jussu Papae sibi paratum.—Papa commisit socio meo, ut haberet curam funeris defuncti. Ego nolui interesse: nolui enim sapere plusquam oportet). Compare Guicciardini, lib. iv.; Ranke's *Gesch. der Roman. und German. Völker*: Bd. 1. s. 173 ff. 201 ff. Leo's *Gesch. v. Italien*. Th. 5. s. 183 ff. 147 ff.

<sup>28</sup> Ranke, s. 179. Leo Th. 5, s. 141 ff.

<sup>29</sup> Ranke, s. 195 ff. 207 ff. Leo Th. 5, s. 157 ff.

<sup>30</sup> In the year 1502 a letter, directed to Sylvius de Sabellis, who had been despoiled by the Pope, but printed, was brought from Germany to Rome; it is given by Burchardus, in Eccard. ii. p. 2144 ss. He was charged in this letter to make no more efforts with the Pope (hoc monstruoso capite—hac infami bellua). Haec tibi in publicis Principum conventibus enarranda, haec committenda pluribus exemplis atque per omnium manus tradenda sunt et disseminanda; frustra queri Christianam religionem de Mahometo antiquo ejus hoste,—cum iste novus Mahometus omni criminum foeditate illum longe superaverit:—venisse tempora, quibus jam Antichristus—appareat, neque enim ullum omnino unquam nasci aut excogitari potuisse, qui apertior Dei hostis, Christi oppugnator, fidei et religionis subversor inveniretur. Jam beneficia et dignitates ecclesiasticas—publica venditione dissipari, et illis solummodo cedere, qui aperta emptione plus pecuniarum quam caeteri largiuntur.—Omnia jam apud Pontificem esse venalia, dignitates, honores, matrimoniorum copulas, eorundem solutiones, divortia et repudia uxorum.—Nihil esse jam scelerum aut flagitiorum, quod non Romae publice et in Pontificis domo committatur: superatos esse Scythas atrocissimi, Poenos perfidia, immanitate et saevitia Neronis et Cajo: nam caedes, rapinas, stupra, et incestus referre, innumeri et infiniti prope operis foret.—Longum esset prosequi—, qui vel interfecti, vel vulnerati, vel vivi in Tiberim dejecti, aut veneno consumpti sunt: quorum cum sit infinitus numerus, et in dies crescat pernicies;—nemo in urbe est etiam privatae fortunae, qui sibi et suis jam non timeat. Quis horrenda libidinum monstra enarrare non formidet, quae aperte jam in illius domo et spreta Dei atque hominum reverentia committuntur; quot stupra, quot incestus, quot filiorum et filiarum sordes, quot per Petri Palatium meretricum, quot lenonum greges atque concursus, prostibula atque lupanaria. Feria Novembris solemnibus omnium sanctorum ceremoniis dedicata quinquaginta meretrices urbanae ad convivium in Palatium vocatae foedissimum et detestabilissimum spectaculum praebuere: et ut ad irritandum exempla non deessent, actitata est sequentibus diebus in publicum spectaculum equa, quae spectante cum filiis Pontifice intromissos admissarios nimio Veneris ardore concitatos in furorem et rabiem converteret (see these shameful transactions as recorded by Burchardus, p. 2134). Nihil esse jam auri, quod non ex omnibus populis Christianis ad filiorum luxum summa aviditate conquiratur. Propositum est in Turcas bellum publicare: ob eam speciem per omnes urbis basilicas preces indictae, et venditae exteris civitatibus erratorum indulgentiae: ut scilicet ex hac conquisitione largos sumptus suppeditarent, ut esset, unde filia Pontificis gemmis atque auro onerata, pompam et Romanae Ecclesiae tributa secum trahens, luxu inaudito ad maritum accederet; unde bellum antiquis civitatibus et veris Dominis inferre-

the Pope had meant for a rich cardinal, in order to make himself master of his wealth, brought upon himself a well-deserved death (18th August, 1503).<sup>13</sup>

tur. Pulsos esse sedibus veteres incolas, maximam urbis nobilitatem proscriptione atque exilio ablegatam, antiquos Latii dominos suis fortunis et possessionibus privatos, ut ex eorum cladibus Pontificis iidem filii et nepotes, ex incestuoso partu adhuc in cunis vagientes, ad regna et opes promoverentur.

<sup>13</sup> Guicciardini, lib. vi. Ludov. Tubero, lib. viii. § 15, in Schwandtner, ii. p. 288. Petrus Bembo (Cardinal, † 1547) Hist. Venet. lib. vi. p. 218. Compare Paulus in the Sophronizon, Bd. 8, Heft 5, s. 8 ff. With regard to Alexander's character see Raph. Volaterranus Anthropol. lib. xxii.: In Alexandro, ut de Annibale Livius scribit, aequabant vitia virtutes. Inerant namque ingenium, ratio, cogitatio, memoria, diligentia, eloquentia vero quaedam naturalis, et ad persuadendum apta, ut nemo rem cautius proponeret, aut acrius defensaret, seu quovis cuperet impelleret, sese unum omnium animis adcommodando: cum iucundis de remissione, cum severis de disciplina, cum patribus de republica loquebatur. Suos adversarios placabilitate ac patientia devinciebat: nam eorum, qui de numero Patrum exulabant, quosve suspectos habuerat, nihil de pristina dignitate detraxit: Gallorum animos contumacissimos ita sedavit, ut amicissimi discederent; in tanta procerum Romanorum vastatione, quod sane incredibile, nullum in urbe tumultum, nulla sensimus arma: omnia ipse obire, parum in rebus arduis cuiquam fidere. Idem in otio solutissimus, in metu constantissimus: nunquam negotia seu legationes audiendas voluptate praevertit, res in multam noctem protraherebat, brevissimi somni cibique. Artes liberales, si non colebat, admirabatur, juris praesertim scientiam ubi esse contingeret. Salaria doctoribus, stipendia militibus, mercedem operariis nunquam est differre, nedum auferre, visus, cujus rei gratia exercitum, quem magnum saepe nutrebat ductore filio, fidelissimum habuit: brevique tempore ac negotio totam fere Aemiliam, quae tributa non exsolverat, ei subegit. In annonae difficultate, quae bis contigit, advecta e Sicilia magna vi frumenti ita diligenter urbi providerat, ut plebes nullum fere sentiret incommodum. Has igitur animi dotes magnis obruerat vitis, quae narrare non attinet: tantum referam, quae vulgus adspexit. Si quando rerum fasce non premeretur, omni se remissionis generi sine discrimine dedit: quapropter comoedias Plautinas, ceteraque ludicra libenter spectavit, frequenterque in Hadriani molem ventitabat, ut palam personatos per eorum ferias, ac omnes dies festos si quid elegantius in hominum genere per viam praeteriret, propius adspiceret. In nuptiis filiae, quae ad virum Ferrariam profectura erat, equestres ludos et venationem in Vaticano extra ordinem dedit. In urbe gladiatorum nunquam licentia major, nunquam populo Romano libertas minor. Delatorum magna frequentia, brevissimo maledicto poena mortis erat. Grassatorum insuper omnia plena; nec noctu tutum per urbem iter, nec interdum extra urbem. Roma, gentium refugium, et arx populorum omnibus aseculis, nobilis jam carnificina facta erat. Quae quidem omnia suorum causa, quibus omnia indulserat, permittebat. Ipse quoque Caesar, dum haec ei licuere, ea fuit indole, ut si ab initio in bonos incidisset vitae monstratores, perpetuam sibi reique Romanae gloriam peperisset: nam et in ea adolescentia, quantum perspicere potuimus, nec deliberanti consilium, nec ductanti exercitum majorum disciplina, neque sermonem habenti facundia defuere: eaque demum a natura liberalitate, ut patris avaritiam saepe palam detestaretur: a iustitia quoque, uti videbatur, minime abhorrens; quin in Aemilia jam adepta summa aequitate populos regebat, ac iudicem gravissimum Antonium Montanum juri dicundo praeposuit, tanta subditorum probatione, ut illi vel defuncto Alexandro, quod minime putabatur, in officio persisterent. Verum ut sterile solum et intemperies coeli bona frugum semina praecipitant, sic et hunc prava institutio, ac proximorum libido a recta virtutis semita detorserunt, ex quo sequae ac omnem Italiam variis calamitatibus involvit.

## § 135.

PICUS III. (22<sup>D</sup> SEPTEMBER-18<sup>TH</sup> OCTOBER, 1503.) JULIUS II. (31<sup>ST</sup> OCTOBER, 1503-21<sup>ST</sup> FEBRUARY, 1513). LEO X. (11<sup>TH</sup> MARCH, 1513-1<sup>ST</sup> DECEMBER, 1521.)

Paris de Grassis (from 1504 *Magister ceremoniarum*, from 1513 Bishop of Pesaro, 1523), † *Diarium curiae Romanae*, from 1504-1522. (There are Excerpta from this work in Raynald. and Roscoe; for the year 1517, in Mabillon *Museum Ital.* ii. p. 587; for 1518-1522, in Hofmanni *Nova Scriptorum ac Monument. Collectio*, t. i. p. 395 ss. There is a description of the whole work in *Notices et Extraits des MSS. de la Bibl. du Roi*, t. ii. p. 546 ss. There are complete MSS. at Wolfenbüttel and Munich; see Sophronizon, vi. 1, s. 3 ff.)

*The Life and Pontificate of Leo the Tenth*, by Will. Roscoe, 4 voll. Liverpool, 1805 ss. gr. 4, translated from the English by Glaser, with notes by Henke. 3 Bde. Leipz. 1806-1808, 8.

After Alexander's death the newly created state of Caesar Borgia straightway fell to pieces. The separate portions submitted, some to their former banished lords, some to the Pope; but in the midst of this embarrassment the Venetians began to make conquests in Romagna.<sup>1</sup> The warlike Julius II. wished to reduce the whole country again to subjection to the Papal dominion. He began by wresting Perugia and Bologna from their lords (1506). As the powerful state of Venice refused to surrender her conquests, he resolved at length, albeit unwillingly, to avail himself of foreign aid; he joined the league of Cambray,<sup>2</sup> concluded between

<sup>1</sup> Ranke's *Gesch. der Romanischen u. Germ. Völker*, v. 1494-1535. Bd. 1, s. 216, 221 ff. Leo's *Gesch. d. Ital. Staaten*. Th. 5, s. 168 ff.

<sup>2</sup> Ranke, Bd. 1, s. 273 ff. 302 f. The Pope, the Emperor, and the kings of France and Aragon bound themselves by this alliance against Venice (Raynald. 1509, no. 4) —*pro recuperatione seu reintegracione omnium deperditorum.*—*Nec prius a praedicta invasione, seu guerra, aut armis per aliquem eorum desistetur, quam omnino et integre Apostolica sedes recuperaverit Ravennam, Cerviam, Faventiam, et Ariminum, —ac omnia alia, quae de statu et juribus Ecclesiae Romanae dicti Veneti occupant et detinent; et—Imperator recuperaverit Roveretum, Veronam, Paduam, Vicentiam, Tarvisium, Forumjulium, —necnon Patriarchatum Aquilegiensem, —omniaque alia loca et dominia per ipsos Venetos in hoc ultimo bello capta et occupata ex terris et dominiis domus Austriae: et pari modo ipse Christianissimus Francorum Rex recuperaverit totaliter Brixiam, Bergomum, —et generaliter omnia ea, quae fuerunt antiquitus de ducatu et dominio Mediolani; —et similiter ipse serenissimus Rex Aragonum recuperaverit ea omnia, quae ipsi Veneti de regno Neapolitano—quovis modo abstulerunt, —videlicet Trantum, Brundisium, Otrantum et Gallipolim.* With regard to the attempt which Julius made, notwithstanding the league, for reconciliation with Venice, see Petrus Bembo (from Venice, Cardinal, † 1547), *Hist. Venetae*, lib. vii. in the *Istorici delle cose Veneziane*, i quali hanno scritto per publico Decreto, t. ii. p. 280: *Confecto foedere Julius tamen cupiditate ferebatur Arimino Faventiaque potiundi, quia tamen et Gallorum Regem magnae per se potentiae multo majorem suo permissu fieri nolebat, et cum illam nationem Germaniae populos in possessionem Italiae venire, optimeaque ejus partis atque po-*

France and the Emperor on the 10th December, 1508, and assisted with spiritual and temporal weapons to subdue the Republic.<sup>3</sup> Venice, now hard pressed, yielded to the Pope, in order to divide this overwhelming alliance. Julius, already alarmed at the progress of the French in Italy, readily granted his forgiveness (20th February, 1510),<sup>4</sup> and now commenced hostilities against the French and their ally, Alphonso, duke of Ferrara. On the third of July, 1510, he declared that the King of France had forfeited his claim on Naples, and invested Ferdinand, the Catholic, with the sole dominion of this realm.<sup>5</sup> On the ninth of August he issued a sentence of condemnation against the Duke of Ferrara.<sup>6</sup> Lewis XII. strove in vain to alarm him by the National Council at Tours (September, 1510),<sup>7</sup> Germany, by severe *gra-*

*pulosissimae dominos fieri, sibi reliquisque Italis detrimentosum existimabat futurum, ut ab illis Venetos opprimi sineret, adduci prope non poterat.*

<sup>3</sup> Bembus, *Hist. Venet.*, lib. vii. p. 273: Julius—praeter quod exercitum in fines reipublicae introduxisset, ad illud etiam pertinaciter descendit, ut Lauredano Principi, Senatuique omni Veneto, et civibus singulis aqua et igni interdiceret, ejusque rei literas omnibus hominibus vulgandas proponeret maledictorum et execrationum plenas, nisi die praestituta non Faventiam modo atque Ariminum, sed Ravennam quoque Cerviamque sibi tradiderint: quae quidem oppida centum ferme annos in reipublicae imperio fuerant, neque ullus ea Pontifex Maximus in dubium revocaverat, quin jure a republica possiderentur. (The bull of 27th April, 1509, in Raynald. ad h. a. no. 6, not only threatens with anathema and interdict after the expiration of a respite of twenty-four days, but decrees, what Raynald has omitted but Guicciardini noticed, in lib. viii. p. 737 ss., that the property of the Venetians in all countries should be confiscated, and themselves reduced to slavery.) Qua intellecta re ne plebs ejusmodi literis, plus quam tempora et reipublicae difficultates postulerent, permoveretur, Senatus cavuit, ne reciperentur, neve, qui afferrent, admitterentur: appellavit etiam de eo futurum Concilium, missis Romam affixisque in templorum foribus publicae expostulationis literis, missis etiam in Pannoniam ad Thomam Cardinalem Strigoniensem: nam ei propter Patriarchatum Constantinopolitanum, cui praeerat, una cum tribus Episcopis Concilium cogendi jus potestasque antiquitus erat attributa.

<sup>4</sup> Bembus, lib. viii. p. 285, 291, 294; lib. ix. p. 350; lib. x. p. 358. Ranke, *Bd. 1*, s. 322 ff. Leo, *Th. 5*, s. 217 ff.

<sup>5</sup> The documents are in Raynald. 1510, no. 25.

<sup>6</sup> In Raynald. 1510, no. 15.

<sup>7</sup> With regard to this council, see the reports given by the imperial ambassador, who was present, to Margaret of Austria, in the *Lettres du Roy Louis XII. et du Cardinal George d'Amboise* (à Brusselle, 1712. 4. t. 12); t. 2, p. 29. The chancellor, by the King's command, opened the council (p. 32), narrant tous les biens et grans plaisirs, que ledit Seigneur Roy avoit fait au Pape avant et après sa Papalite et mesmement pour le faire eslire Pape, narrant aussi l'ingratitude et la mécongnissance dudit Pape envers ledit Seigneur Roy, et comme sans cause ny raison il avoit rompue l'alliance faicte à Cambray entre si nobles Princes de Chrestienté, aussy l'emotion qu'il avoit fait des Suisses, et ce qu'il avoit voulu faire contre Gennea, et la ligue qu'il avoit faite avec les Venitiens, et semblablement ce qu'il faisoit contre le Duc de Ferrare son alié: et leur a fait donner aucuns articles par escript, sur lesquels il demandoit leur avis et conseil. Of these articles or questions, and the answers given to them by the council, there are three texts extant. The first in the *Collections of Councils* (e. g. Harduin, ix. p. 1555); the second

*vamina*, and the threat of a Pragmatic Sanction (1510).<sup>9</sup> Not

in a French translation in Nic. Gilles Croniques et Annales de France (Paris, 1566, fol.), vol. ii. fol. 133 b.; the third in J. E. Kappen's *Nachlese einiger zur Erläuterung der Reformationsgesch. nützlichen Urkunden*, Th. 4, s. 490; all three in Kapp, s. 470 ff. The council here decided that, in self-defense against the Pope, as *notorium hostem suum*, the King might even invade the States of the Church, and renounce obedience to such a pontiff: to the question, What, then, was to be done? the answer given in the first text is: *servandum esse jus commune antiquum et pragmaticam sanctionem regni, ex decretis sacrosancti Concilii Basileensis desumptam*: in the third, *appellare in omnibus ad futurum Concilium*. At last, to the question: *si Pontifex injuste, ordine juris non servato, procedens de facto, et manu armata, pronunciet—aliquas censuras contra principes sibi resistentes,—an ei parendum sit, et quod remedium adhibendum?* the answer given in the first text is, *conclusum est unanimiter per Concilium, talem sententiam nullam esse, nec de jure, vel alio quocumque modo ligare*; in the third, *non esse parendum, sed appellandum ad futurum Concilium*. At the end some further *Conclusiones* follow in the third text (in Kapp, s. 498), the purport of which is also stated in the report of the imperial ambassadors (*Lettres du Roy Louis XII.*, t. 2, p. 47). In these there is first a remonstrance against the—oppressiones et indebitas exactiones contra stylum in Romana Curia Ecclesiae Gallicanae impositas, quibus nulla provisio adhibetur per S. D. N. nec per ejus officiales, et quod deterius est, nulli licet libere de hujusmodi gravaminibus querelam facere in dicta Curia Romana:—et quasi in cunctis ita oppressa est dicta Ecclesia Gallicana, ut nunquam antea. Then the Pope's hatred of the King was proved, and it was accordingly resolved,—Oratores instituendos ad ipsum S. D. N. Julium secundum—et Reverendissimos Cardinales, qui qua decet reverentia supplicent,—at Sanctitas sua velit congregare Concilium Ecclesiae in loco tuto et convenienti ad determinationem ultimarum Conciliorum generalium, quatenus fieri poterit; idemque procuret Christianissimus Rex apud Imperatorem et alios Principes Christianos, ut sibi adsint et opem ac auxilium ferant pro eodem Concilio generali congregando ad reformationem Ecclesiae universalis in capite et in membris: et supplicare etiam eidem S. D. N.,—ut interim—durantibus dissensionibus, quae nunc sunt inter S. D. N. et eundem Regem suosque subditos, det Poenitentiarium in regno Franciae—cum potestate dispensandi et providendi in omnibus casibus, votis, absolutionibus ab excommunicationibus, irregularitatibus, et aliis censuris intervenientibus, et dispensationibus in gradibus consanguinitatis et affinitatis, et universaliter cum plenaria potestate providendi in omnibus casibus concernentibus forum poenitentiae et salutem animarum: in casu quo S. D. N. recusaret Concilium generale vel nimis differret,—vel recusaret Poenitentiarium deputare, cum protestatione expressa nominibus Christianissimi Regis et Ecclesiae Gallicanae contra praefatum D. N. Papam et suos Cardinales ad omnia juris remedia.

<sup>9</sup> The minutes may be seen in Orthuini Gratii Fascic. Rerum Expetendarum et Fugendarum, fol. 167 ss., and quoted thence in Flacii Catal. Test. Verit. no. 186 (ed. Francf. 1666, p. 467 ss.): Georgii Imperatorum totiusque Nationis Germ. Gravamina adv. Sedem Romanam. Francof. et Lips. 1725, 4, p. 279 ss.: Münch's Concordate, Th. 1, s. 96 ff., and in several other collections. From the agreement of these with Jac. Wimpelingii Replica contra Aeneas Sylvii Tract. de Germania (see § 133, note 19), Tentzel (Hist. Bericht vom Anfang u. ersten Fortgang der Reform. Lutheri, s. 64, Anm.) concludes with justice that they were drawn up by Wimpeling. The *Gravamina* may have been written by him under the direction of the states, but hardly so the articles which follow; one sees most plainly from the *Arvisamenta*, that they were the advice of an individual man given to the Emperor. First come X. *Gravamina nationis Germanicae*: I. Quod ad servandas bullas, pacta, privilegia et literas, ab antecessoribus absque omni derogatione concessas, successores Pontifices teneri se non arbitrantur: imo per crebras dispensationes, suspensiones, revocationes ad cujuscunque (etiam vilis) personae instantiam contraveniunt. II. Quod electiones Praelatorum quandoque rejiciuntur. III. Quod electionibus Praepositarum, quas quarundam Ecclesiarum Capitula multo aere impetrarunt, contraveniunt.—IV. Quod beneficia et dignitates majores Cardinalibus

even a General Council, summoned at Pisa by the two monarchs for the first September, 1511, with the dread phantom of a refor-

et Protonotariis reservantur. V. Quod expectativæ gratiæ absque numero conceduntur, et multas interdum ad unum collatorem. Unde surgunt quotidianæ lites, et pecuniæ dilapidantur.—VI. Quod annatæ absque dilatione et sine misericordia, etiam Episcopis intra paucos annos mortuis, exiguntur. Interdum plus, quam debeatur, extorqueatur propter nova officia et novos familiares.—VII. Ecclesiarum regimina minus dignis (Romæ videlicet) committuntur, qui ad mulos magis, quam homines pascendos et regendos essent idonei. VIII. Indulgentiæ novæ cum revocatione aut suspensione veterum, laicis contra Clerum murmurantibus, ad corradendas pecunias conceduntur. IX. Decimæ sub prætextu expugnandorum Turcarum exiguntur, nulla expeditione subsecuta. X. Causæ, quæ in Germania, in qua etiam docti et justii iudices sunt, terminari poterant, ad tribunalia Romana indistincte trahuntur. Then follows the *Remedium contra gravamina nationis Germ*; some representations which should be made to the Pope, partly drawn from the greatness and injustice of this oppression, partly from the state of Germany. For instance, a statement was made, that, although the See of Mayence had formerly paid but 10,000 florins for annates, at first 20,000, and afterward—propter nova officia—even as much as 25,000 at one time, 27,000 at another, 24,000 at another, had been extorted from it. Non sine causa Jacobus Archiepiscopus Moguntinus jam fere moriens dixit, se de morte sua non adeo dolere, quam ob id, quod subditi sui pauperes iterum pro pallio gravem exactionem dare cogerentur. Mitius ergo summus Pontifex, velut pius pater filiorum suorum amator, et fidelis ac prudens pastor, cum filiis suis Germanicæ nationis agat, *ne propediem vel in universos Christi sacerdotes persecutio subriatur, vel instar Bohemorum plerique ab Ecclesia deficiant Romana*. In the *Remedium pro civitatibus Imperii et animarum salute*, proposals follow next for the abolishment of plurality of benefices, and a worthier occupation of canonries and parochial churches. Then come the *Avisamenta ad Caesaream Majestatem*; in which a pragmatic sanction was suggested similar to the French one, as, indeed, had been already proposed in vain before (see § 183, note 19). Sicut regnum Franciæ pragmaticam habet sanctionem, cui in conferendis beneficiis innititur, sic Imperium Romanum habet concordata Principum, utque ea illæsa conserventur, interest Caesareæ Majestatis.—Posset etiam Caesarea Majestas per literas aut oratores facile in regno Franciæ experiri, quomodo illic beneficia conferantur, et quam auctoritatem in conferendis beneficiis habeat summus Pontifex. Secundum hoc posset moderamen fieri in Imperio Romano, et frenum inexplebili avaritiæ Curtisanorum adhiberi. Si præclaræ universitates, præcipue facultas theologia Parisiensis approbaverit modum illum, qui de disponendis et conferendis beneficiis in Francia servatur: nemo dubitet, Caesaream Majestatem et Principes Germanos, si se isto modo conformaverint, apud Deum tutos fore et excusatos. Præsumendum enim est, quod tanti Praelati, tanti doctores, tam probati viri, qui in regno Franciæ ac in Studio Parisiensis vivunt, nihil approbent, quod contra Deum aut justitiam committeretur. Provideat tamen Caesarea Majestas, ne Archiepiscopi Electores in hoc sancto instituto a se dissentiant—propter censuras Apostolicas quas timebunt: et populus interdictum diu non sustinebit. Provideat etiam Caesarea Majestas, ne fratres mendicantes contra ipsam prædicent, qui sedi Apostolicæ libenter deferunt, timentes perdere privilegia sua.—Timeat Caesarea Majestas, ne Papa mandet Electoribus, ut ad electionem novi Regis Rom. procedant, sicut contra Fridericum secundum Lantgravius Thuringiæ et Guillelmus Hollandiæ comes jubente Papa fuerunt electi. Timeat Caes. Majestas omnes Praelatos Ecclesiarum, præcipue Praepositos (the Pope appointed to all the deaneries, see § 183, note 4), qui ex juramento tenentur avisare Papam, etc. The *Conclusio et pia exhortatio ad Caes. Majestatem* concludes the whole work. The imperial edict appended, dd. Oeniponte, 1510, against plurality of benefices, and against fraudulent and simoniacal acquisition of them, which were forbidden—sub poena criminis læsæ Majestatis et gravissimæ nostræ offensæ, must be regarded as the result of this work. Afterward, in accordance with the advice suggested in the *Avisamenta*, the Em-

mation in the Church, could bend the violent Pope.<sup>9</sup> Julius, on the other hand, convoked, on the 18th July, an Œcumenical Lateran Council (Conc. Lateranense V.),<sup>10</sup> for April, 1512, and then concluded

peror assigned to Jacob Wimpheling a commission, to adapt the *Sanctio Pragmatica* of France to Germany. Maximilian's letters to Wimpheling, his answer, and a proposal by which the Pragmatic Sanction might be altered for Germany, may be seen in *Flacii Catal.* ed. Francof. 1666, p. 474; Georgii, p. 815 ss.

<sup>9</sup> Immediately after the council of Tours, Matthew Lang, bishop of Gurk, made his appearance as the Emperor's ambassador, first in France, with a view to renew the League of Cambray (*Lettres du Roy Louis XII.* t. ii. p. 67 ss.), and afterward betook himself to Italy, in order to restore the relations of both parties with the Pope. However, after all the efforts of the Pope to corrupt the bishop (l. c. p. 107), and of the bishop to withdraw the Pope from his stubborn resolution (p. 168, pour mettre le Pape hors de la obstinée et dyabolique pertinaxité où il est), remained fruitless (compare the letters of the Bishop of Gurk to the Bishop of Paris, p. 160 ss.), the Bishop of Gurk returned at the end of April, 1511, without effecting his purpose (p. 205). Paris de Grassis in *Raynald.* 1511, no. 57; compare Leo's *Gesch. v. Italien*, Th. 5, s. 229 ff. Meanwhile several French prelates assembled at Lyons in April to make preparations for the council (*Lettres*, ii. p. 145); but in Milan three cardinals, who had deserted from Julius, negotiated in their own names and the names of six other cardinals, with imperial and French envoys, and upon their requisition issued a summons on the 16th May, 1511, for a general council at Pisa to be held the first of September, as it runs in the *Convocatio Concilii* in *Richerii Hist. Concill.* lib. iv. p. l. cap. 3,—considerantes quantum reipublicae Christianae utilitatem Concilia generalia universalis Ecclesiae attulerint, quantumque detrimenti ex eorum intermissione Christiana respublica sit passa; cumque impraesentiarum conspiciant clare, magnam instare necessitatem universalis Concilii congregandi pro vera pace Christianorum fundanda, et sufficienti bello contra infideles stabiliendo: necnon potissime pro reformatione morum universalis Ecclesiae in capite et in membris plurimum collapsorum, ac emendatione criminum gravissimorum notiorum, continuorum ac incorrigibilium universalem Ecclesiam scandalizantium;—quumque tempus decennii post ultimum universale Concilium jamdudum sit effluxum, et saluberrima decretali Constantiensis constitutione edita, quae incipit *Frequens*, singulis decenniis universale Concilium congregari debeat, et S. D. N. Dominus Julius P. II., cui primo curae esse deberet illud convocandi, tanto tempore hoc neglexerit, maxime cum voverit et juraverit post biennium a creatione sua illud tenere, et nedum negligens in praecepto Ecclesiae et Concilii, sed et voti et juramenti hujusmodi transgressor, illud non tenuerit, tempusque interpellat pro homine, cumque nunquam sua auctoritate aut voluntate futurum Concilium credatur celebrandum: et cum de gravibus Ecclesiae scandalis in capite agendum sit, quo casu—ad summum Pontificem congregatio Concilii non attinet, sed secundo loco ad Revv. DD. Cardinales. The Pope was then required, abstinere a creatione novorum Cardinalium, et a publicatione creatorum,—et processu contra antiquos Cardinales, aliosque Praelatos et personas ad Concilium ipsum accedere volentes,—necnon ab impediendo hujusmodi convocationem Concilii directe vel indirecte, publice vel occulte, quovis quaesito colore, et ab alienatione feudorum seu terrarum S. R. E. In quibus omnibus causis cum omni humilitate protestamur de nullitate actus, etc. Two letters from the cardinals to Charles, prince of Spain and archduke of Austria, and to Margaret, archduchess of Austria and governor of the Netherlands, may be seen in the *Lettres du Roy Louis XII.* t. ii. p. 285 ss.

<sup>10</sup> The bull of summons is in *Raynald.* 1511, no. 9 ss. In this Julius refutes the charges which the rebellious cardinals brought against him; he pronounces invalid the—convocationem schismaticaе conventiculae, synagogae Satanae et Ecclesiae malignantium, per Dathan et Abiron, auctores schismatum eorumque socios; he forbids its meeting with a threat of every ecclesiastical penalty, even with infamy; and lays any place in which the council should assemble under interdict. Et nihilominus bonam intention-

a close alliance with Venice and Spain (October, 1511).<sup>11</sup> The synod of Pisa was quite without influence, from the fact that it was composed almost entirely of French prelates, and their method of procedure against the Pope, imitated from that of the Basle fathers, seemed only an empty show.<sup>12</sup> When the French were driven from Italy by the Swiss, and the Emperor had declared himself on the side of the Pope and the Lateran Council,<sup>13</sup> this synod

em nostram exequi volentes, ut antiquae haereses, quae in diversis Christianorum partibus nondum extinctae sunt, et pessimum noviter pullulans schisma extinguantur, reformationisque morum tam ecclesiasticorum, quam saecularium personarum, quae de jure vel consuetudine reformationi vel determinationi Concilii subjiuntur, bellorumque imminentium seditioni consulatur, unicuique quod suum est reddatur,—Christique fideles—congregati ad faciendum expeditionem contra infideles, jam regnum Siciliae infestantes, meliora ac nobiliora loca Christianorum occupantes, praesertim Jerusalem matrem nostram antiquam, et ex antiqua Christianorum negligentia deperditam, facilius et promptius intendant: in nomine sanctae et individuae Trinitatis, P. et F. et S. S.—oecumenicum, universale ac generale Concilium in alma urbe nostra, communi omnium patria, loco aptissimo et tutissimo, apud Lateranum, ubi plurima Concilia per antiquos patres nostros habita fuerunt, et Altissimus Petri sedem collocari voluit,—inchoandum a. D. MDXII. die lunae XIX. mensis Aprilis—denuntiamus, convocamus, etc.

<sup>11</sup> The articles of the treaty are in the *Lettres du Roy Louis XII.*, t. iii. p. 65 ss.

<sup>12</sup> The minutes are in Richeri *Hist. Concill. Gener.* lib. iv. P. i. cap. 8. In the *Sessio I.*, 5th November, 1511, all Papal decrees issued against the council were pronounced null and void. *Sessio III.*, 12th November, the decrees of Constance with regard to the influence of general councils (see § 131, note 8) were repeated, and then the synod resolved, absque ulla sui dissolutione, to adjourn to Milan. It endeavored to set on foot negotiations with the Pope for a council to be held by both parties in common. But when its envoys were even refused an audience with him, it pronounced sentence of suspension against him in *Sessio VIII.*, 21st April, 1512, with the declaration, ipsam papalem administrationem, propter gubernationis defectum, ne Ecclesia discrimen aliquod patiatur, ad ipsam sacrosanctam Synodum fuisse, esse et fore ipso jure devolutum. But this was also the last session: soon after most of the fathers dispersed for fear of the Swiss; an insignificant remnant of the council removed to Asti, and not long after to Lyons. In Pisa as well as in Milan the council was considered irregular, and the interdict was observed, Guicciardini, lib. x. The writers on the side of the council are Philippus Decius, canon-lawyer at Pisa, afterward at Pavia, *Consilium pro Ecclesiae auctoritate supra Papam*, and *Apologia sacri Pisani Concilii moderni* (both in Richer, lib. iv. P. i. c. 2), and Zacharias Ferrerius Vicentinus, *Abb. Subastensis* (see Raynald 1518, no. 51): against it Thomas de Vio Cajetanus, *De Potestate Papae supra Concilium*, Franciscus Poggius and Angelus Anachoreta Vallumbrosanus (see Raynald. 1511, no. 31, and Mansi ad h. l.). To this period also belongs the gold medal of Lewis with the inscription, *Perdam Babilonis nomen* (see Le Blanc, *Traité Hist. des Monnoyes de France*, ad p. 268, N. 3, Tab. 46), which Harduin (*Supplément du Journ. des Sçavans Janv. 1707*, p. 194) labors in vain to refer to Cairo: see Ch. S. Liebe, *Roma Babylon ex Numis.* Lips. 1714. 4. Deyling *Observat. Sacr.* P. iii. p. 498 ss.

<sup>13</sup> When Julius lay on his death-bed, in August, 1511, Maximilian conceived the idea of becoming Pope himself, Cf. ejus *Epist. ad Baronem Paulum a Lichtenstein*, dd. 16th September, 1511 (in the *Lettres du Roy Louis XII.*, t. iii. p. 324 ss.): nihil nobis honorabilius, nihil gloriosius, nihil melius obtingere posse, quam si praefatum Pontificatum, ad nos proprie pertinentem, Imperio nostro recuperaremus. He intrusts the Bishop of Gurk with the negotiations to induce the Pope to adopt him as his coadjutor; he gave him



quickly vanished from Pisa, while the Lateran Council, as the instrument of Papal vengeance, launched the thunders of excommunication against it, against the Pragmatic Sanction, and against the whole realm of France.<sup>14</sup> Under the peaceful rule of Leo X. the relations with France soon became more friendly, and Lewis XII., in December, 1513, even gave in his adherence to the Lateran Council.<sup>15</sup> Nevertheless, peace was not fully restored when the young King, Francis I., entered Italy with irresistible force in 1515.<sup>16</sup> Leo, however, contrived to change the defeat with which he was threatened into a victory, by concluding a treaty of peace with him without delay,<sup>17</sup> and persuading him, at a personal interview in Bologna (December, 1515), with the help of Du Prat

sums to bribe the cardinals, and declared to his daughter, Margaret, Stadtholder of the Netherlands, dd. 18th September (probably 1511), his intention (Lettres, t. iv. p. 1 ss.), de avoir le Papat et devenir Proster et après estre Saint, et que yl vous sera de necessité, que après ma mort vous serés contraint de me adorer, dont je me trouveré bien gloryoes. See E. S. Cyprianus de Maximiliano I. Imper. Pontificatum maximum affectante, in his *Dissertationes Varii Argumenti*. Coburg, 1755. Maximilian let himself be drawn into the league, by Ferdinand the Catholic, in April, 1512 (Ranke *Gesch. der Roman. u. German. Völker*. Bd. 1, s. 371 f.). Matthew Lang, bishop of Gurk, made his appearance at the third session of the Lateran Council, 8d December, 1512, to give in his adherence formally to the council in the name of the Emperor (Paris de Grassis in Raynald. 1512, no. 92. The deed of adherence is in Labbei et Cossartii Concil., t. xiv. p. 80 ss.).

<sup>14</sup> The council was opened on the 10th of May, 1512. In the Sess. II., on the 17th September, followed a condemnation of the *Conciliabulum Pisanum* (Labbeus et Cossart, xiv. p. 68). Sess. III., 3d December (l. c. p. 82 s.), a Papal decree of the 18th August was renewed, in which—regnum Franciæ, et præsertim Lugdunum, ducatu Britanniae excepto,—ecclesiastico subjecimus interdicto, nundinasque Lugduni fieri solitas in Lugduno extunc de cetero fieri inhibuimus, dictasque nundinas in civitate Gebennensi (Geneva) faciendas transtulimus. In Sess. IV., 10th December (l. c. p. 97 ss.), the attack upon the Pragmatic Sanction began. The letter of Lewis XI. was first read over, in which he had promised its abrogation (see § 133, note 85), then a *Monitorium contra Pragmaticum et ejus assertores* was issued: Dudum displicenter per nos pluries accepto, per multa temporum spatia per nonnullos Praelatos Gallicæ nationis, et nobiles laicos,—præsertim cujusdam sanctionis prætextu, quam ipsi pragmaticam vocant, Apostolicæ sedi, sanctæque Romanæ universalis Ecclesiæ capiti, libertati et auctoritati enormiter detractum, canonibusque præfatis derogatum fuisse; rem adeo perniciosam, in Dei offensam, et Ecclesiæ præfatae vilipendium et evidens detrimentum, amplius ferre nequeuntes, cum sanctio ipsa ab omni ad id potestate carentibus—facta, sed quodam abusu tantum in illis partibus introducta et observata fuerit,—quam etiam claræ memoriæ Ludovicus undecimus Francorum Rex abrogavit:—Gallicos Praelatos, Capitula Ecclesiarum et Monasteriorum, Parlamenta, et laicos illis faventes, cujuscunque dignitatis, etiamsi regalis existerent, sanctione præfata abutentes, seu illam approbantes,—per edictum publicum,—moneri et citari—ad comparandum coram nobis et Concilio præfato, causasque dicendas, quare sanctio præfata illiusque corruptela et abusio—nulla et invalida declarari, decerni et abrogari non deberet,—statuimus.

<sup>15</sup> Sess. VIII., 17th December, 1513; see Labb. et Coss. Conc. xiv. p. 177 ss.

<sup>16</sup> Leo's *Gesch. v. Italien*, Th. 5, s. 274 ff.

<sup>17</sup> At Viterbo, 18th October, 1515. Leo, s. 286.

the chancellor of France, whom he had won over to his interests, entirely to annul the Pragmatic Sanction; for this purpose he drew up a concordat with him, in which the Pope and the King shared between themselves the ancient privileges of the Gallican Church.<sup>18</sup> The Lateran Council was thereupon compelled to pro-

<sup>18</sup> Paris de Grassis in Raynald. 1515, no. 29 ss., relates very minutely the outward circumstances of this interview, but says nothing about the negotiations. The result was first disclosed by Leo X. in the eleventh session of the Lateran Council, 19th December, 1516, by the bull *Primitiva illa ecclesia* (Labbei et Cossartii Concill. xiv. p. 292 ss.); sane inter arcana nostrae mentis revolventes, quot tractatus inter piae memoriae—Romanos Pontifices, praedecessores nostros, et clarae memoriae Reges Franciae Christianissimos super abrogatione certae constitutionis in dicto regno Franciae vigentis, quae Pragmatica vocatur, habiti fuerunt; et licet Pius II. praefatus, nuntiis ad cl. m. Ludovicum XI. Franciae Regem Christianissimum destinatis, tantis eidem persuaserit rationibus, ut Rex ipse pragmaticam sanctionem hujusmodi, tanquam in seditione et schismate tempore natam, suis patentibus literis abrogaverit; tamen hujusmodi abrogatio, nec etiam literae apostolicae praefati Sixti super concordata, cum oratoribus praefati Regis Ludovici ad praefatum Sixtum praedecessorem destinatis habita, expeditae per Praelatos et personas ecclesiasticas dicti regni receptae fuerunt, nec ipsi Praelati et personae ecclesiasticae illis parere, nec monitis Innocentii et Julii praedictorum aures praebere, sed eidem pragmaticae constitutioni inhaerere voluerunt. Unde—Julius—in praesenti Concilio Lateranensi—abrogationis pragmaticae sanctionis hujusmodi negotium—congregationibus—commisit, Gallicosque Praelatos, etc.—citari—ad comparandum coram eo—jussit.—Et cum super his in forma juris—procederetur,—nosque—ad summi Apostolatus apicem assumpti fuisset, et contra Praelatos, Capitula, conventus, et personas hujusmodi ad nonnullos actus processisset: tandem considerantes, pacem esse vinculum caritatis,—matura deliberatione cognovimus, non per nuntios aut legatos nostros, sed in praestatione obedientiae filialis, quam carissimus in Christo filius noster Franciscus, Francorum Rex Christianissimus, personaliter nobis praestitit, haec cum Majestate sua coram discutere, eamque paternis hortari monitis, ut ad laudem Dei et sui honorem prompto animo libens ac volens dictae pragmaticae sanctioni abrenuntiare, et secundum canones et constitutiones s. Romanae Ecclesiae, quemadmodum caeteri Christiani, vivere, mandatis apostolicis et provisionibus, quae a sede apostolica pro tempore emanant, parere et obedire vellet: et cum ex electionibus, quae in Ecclesiis cathedralibus et metropolitanis ac Monasteriis dicti regni a multis annis citra fiebant, grandia animarum pericula provenirent, cum pleraeque per abusum saecularis potestatis, nonnullae vero praecedentibus illicitis et simoniacis pactionibus, aliae particulari amore et sanguinis affectione et non sine perjuri reatu fierent, cum electores ipsi, etiam ante electionem per eos faciendam magis idoneum, et non eum, quem promissione aut datione alicujus rei temporalis, seu prece vel precibus per se vel alium interpositis electionem procurare didicissent, eligere sponte jurarent, juramentum hujusmodi non servarent, sed contra proprium hujusmodi juramentum in animae suae praedudicium venirent, ut nobis notorie constat ex crebris absolutionibus et rehabilitationibus a nobis et praedecessoribus nostris petitis et obtentis: idem Franciscus Rex nostris paternis monitis, tanquam versus obedientiae filius parere volens—in locum dictae pragmaticae sanctionis—constitutiones infrascriptas—cum praefato Rege concordatas—acceptavit.—(1. *De electione*): quod cathedralibus et metropolitanis Ecclesiis in regno, Delphinatu, et comitatu Diensi ac Valentiniensi,—etiamsi per cessionem in manibus nostris et successorum nostrorum—sponte factam vacantibus, illarum Capitula et Canonici ad electionem seu postulationem inibi futuri Praelati procedere non possint; sed illarum occurrente hujusmodi vacatione Rex Franciae—unum gravem Magistrum seu Licentiatum in theologia, aut in utroque seu in altero juris Doctorum aut Licentiatum in Universitate famosa, et rigore examinis, et in vigesimo septimo suae aetatis anno ad minus constitutum, et alias idoneum, infra sex

nounce in form the death-warrant of the Pragmatic Sanction

menses a die vacationis—nobis et successoribus nostris—nominare, et de persona per Regem hujusmodi nominatâ per nos et successores nostros—provideri; et si contingeret, praefatum Regem personam taliter non qualificatam ad dictas Ecclesias sic vacantes nominare, per nos—de persona sic nominata eisdem Ecclesiis minime provideri debeat, sed teneatur idem Rex infra tres alios menses—aliâ—qualificatum nominare: alioquin—Ecclesiae tunc sic vacanti per nos et successores nostros—de persona, ut praefertur, qualificata, necnon Ecclesiis per obitum apud sedem praedictam (apostolicam) vacantibus semper, nulla dicti Regis praecedente nominatione, libere provideri possit; decernentes electiones contra praemissa attentatas, ac provisiones per nos et successores nostros—factas nullas et invalidas existere. Consanguineis tamen praefati Regis ac personis sublimibus ex causa rationabili et legitima,—necnon religiosis mendicantibus reformatis, eminentis scientiae et excellentis doctrinae, qui juxta sui Ordinis regularis instituta ad gradus hujusmodi assumi non possint, sub prohibitione praemissa minime comprehensis. The same method was to be pursued with the—Monasteriis et Prioratibus conventualibus et vere electivis vacantibus. Per praemissa tamen non intendimus in aliquo praefudicare Capitulis Ecclesiarum, et Conventibus Monasteriorum, et Prioratum, hujusmodi privilegia a sede apostolica proprium eligendi Praelatum obtinentium, quo minus ad electionem—juxta privilegia eis concessa libere procedere possint:—dummodo de privilegiis sibi concessis hujusmodi per literas apostolicas seu alias authenticas scripturas docuerint, omni alia specie probationis eis in hoc adempta. (2. *De reservationibus*): Volumus quoque et ordinamus, quod in Regno, Delphinatu et Comitatu praedictis de caetero non dentur aliquae gratiae expectativae, ac speciales vel generales reservationes ad vacatura beneficia per nos et sedem praedictam non fiant: et si de facto per importunitatem, aut alias, a nobis et successoribus nostris et sede praedicta emanaverint, illas irritas et inanes esse decernimus. In cathedralibus tamen—et collegiatis Ecclesiis, in quarum statutis caveretur expresse, quod nullus ibidem dignitatem—obtinere possit, nisi in illis actu Canonicus existat, Canonicos ad effectum dumtaxat inibi obtinendi dignitatem—creare posse intendimus. (3. *De collationibus*): In every cathedral church one—Canonicatus et praebenda theologalis—was to be conferred upon a—Magistro, seu Licentiatu, aut Baccalauro formato in theologia, qui per decennium in Universitate studii generalis privilegiata studuerit, ac onus residentiae, lecturae et praedicationis actu subire voluerit. Besides, all collators were to confer the third part of their benefices upon—viris literatis, graduatis et per Universitatis nominatis, and this in such a manner that the benefices falling vacant in the first, fourth, seventh, and tenth months should be given to them. At the same time a period to be afterward defined by them was prescribed for the University studies, which was abridged in the case of noblemen. (4. *De mandatis apostolicis*): Statuimus quoque et ordinamus, quod quilibet Romanus Pontifex semel dumtaxat tempore sui Pontificatus literas in forma mandati, juxta formam inferius annotatam, et non ultra dare possit hoc modo; videlicet unum collatorem habentem collationem decem beneficiorum in uno, habentem autem collationem quinquaginta beneficiorum et ultra in duobus beneficiis gravare possit.—(5. *De appellationibus*): Statuimus quoque et ordinamus, quod in Regno, Delphinatu et Comitatu praedictis omnes et singulae causae, exceptis majoribus, in jure expresse denominatis, apud illos iudices in partibus, qui—illarum cognitionem habent, terminari et finiri debeant. Et ne sub umbra appellationum, quae nimium et nonnunquam frivole interponi consueverunt atque etiam in eadem instantia ad prorogationem litium saepe multiplicari, injustis vexationibus materia praebatur: volumus, quod si quis offensus coram suo iudice justitiae complementum habere non possit, ad immediatum superiorem per appellationem recursum habeat, nec ad aliquem superiorem, etiam ad nos et successores nostros—omisso medio. Nec a gravamine in quacunque instantia ante diffinitivam sententiam quomodolibet appelletur, nisi forsitan tale gravamen extiterit, quod in diffinitiva reparari nequiret, et eo casu non nisi ad immediatum superiorem liceat appellari. Si quis vero immediate subjectus sedi Apostolicae ad eandem sedem duxerit appellandam, causa committatur in partibus per rescriptum usque ad finem litis, videlicet usque ad

and its principles, and, on the other hand, to sanction the unlimited power of the Pope.<sup>19</sup> Great as was the indignation

*tertiam sententiam conformem inclusive, si ab illis appellari contigerit; nisi propter defectum denegatae justitiae, aut justum metum: et tunc committi debeat in partibus convicinis.*—Processus autem contra praemissa attentatos nullos et irritos esse volumus.—Statuimus et ordinamus, quod iudices causas, quae in partibus terminari debent,—infra biennium terminare debeant. (6. *De pacificis possessoribus*): Against disturbing the incumbents of benefices without good reason. (7. *De publicis Concubinariis*): Such clergymen, after three months, were to be suspended—a perceptione fructuum omnium beneficiorum, then to be deprived of their benefices. Quia vero in quibusdam regionibus nonnulli, jurisdictionem ecclesiasticam habentes, pecuniarios quaestus a Concubinariis percipere non erubescunt, patientes eos in tali foeditate sordescere; sub poena maledictionis aeternae praecipimus, ne deinceps sub pacto, compositione, aut spe alterius quaestus talia quovis modo tolerant aut dissimulent. (8. *De excommunicatis non vitandis*): Ad vitandum scandala et multa pericula, subveniendum quoque conscientis timoratis, ita decreed, that no one should be avoided, praetextu—censurae ecclesiasticae—ab homine vel a jure generaliter promulgatae, but only when the sentence was pronounced, specialiter et expresse—against a person or community. (9. *De interdictis non leviter ponendis*): Interdict was only to be suspended over districts—culpa ipsorum locorum, aut Domini seu Rectoris, vel officialium; for the guilt of a private individual, only in case the authorities of the district, when required by the ecclesiastical judge, would neither dismiss the excommunicated person nor hold him bound to make compensation. (10. *De sublatione Clementinae litterae*): Resignations of benefices were only to be regarded as regular, when they were attested—per publica instrumenta vel documenta authentica. (11. *De firma et irrevocabili Concordatorum stabilitate*): After this is established, it is decreed, that this concordat, unless it were ratified within six months, and accepted by the French prelates and parliament, should be null and void. Et nihilominus praefato Francisco—in virtute sanctae obedientiae mandamus, quatenus—praesentes litteras—publicari, et ea inviolabiliter observari faciat, contradictores, cujuscunque dignitatis et praesinentiae fuerint, per censuras ecclesiasticas et pecuniarias poenas, aliaque juris et facti quaevis opportuna remedia (appellatione qualibet omnino postposita) compescendo. Besides this concordat other matters were also concerted at Bologna. Compare, Ce que le Pape octroya au Roy, and Capita Tractatus circa Concordata, in Leibnitii Mantissa Cod. Jur. Gentium I. p. 158 ss., and Münch's Concordate, Th. 1. s. 219 ff. The Pope granted remission of a debt incurred by Lewis XII., several privileges and indulgences, une decime, and, la croisade (Cap. Tractatus, § 10. De Decima Papa concedit, ut, si quae pars debeat dari Papae pro fabrica basilicae Principis Apostolorum de urbe, [*caetera sic*] relicta libertati ipsius Regis. De Cruciatu Papa est paratus concedere, dummodo pecuniae deponantur penes idoneos mercatores, convertendae pro sancta expeditione contra Turcas). On the other hand, the King had to concede the renewal of the annates, although in the concordat they were passed over in silence (Cap. Tractatus, § 6, quod Papa mittat unum Legatum in Regnum Franciae, qui una cum aliquibus Praelatis, deputandis per Regem Franciae, taxae Ecclesiarum et Monasteriorum omnium moderetur augendo vel minuendo, etiam apud Monasteria, quae in libris Camerae apostolicae taxata non reperiuntur: et interim servetur taxa libri dictae Camerae hactenus servata).

<sup>19</sup> In the same eleventh Session, in the bull *Pastor Aeternus*, confirmed by the council (Labbeus et Cossart, xiv. p. 809): *Pastor aeternus*—migraturus ex mundo ad Patrem, in soliditate petrae Petrum ejusque successores vicarios suos instituit, quibus ex libri regum testimonio ita obedire necesse est, ut qui non obedierit, morte moriatur. Et ut alibi legitur, in Ecclesia esse non potest, qui Romani Pontificis cathedram deserit.—Sane felix recordationis Julius Papa secundus—provide considerans cum eodem sacro Lateranensi Concilio Bituricensem regni Franciae corruptelam, quam illi pragmaticam sanctionem vocant, cum maximo animarum periculo et scandalo, ac dignitatis sedis

roused in France by this measure, all resistance was vain against the alliance of the highest spiritual with the highest temporal

Apostolicae detrimento et vilipendio retroactis temporibus viguisse et adhuc vigere,—quamquam sanctio praefata ex multis nullitati notorie subjaceret,—ex abundanti tamen cautela—Gallicos Praelatos, etc.,—monuit et citavit, ut—coram eo et Concilio comparent, causasque dicerent, quare sanctio praefata—nulla et invalida declarari non deberet.—Nos—ad summi Apostolatus apicem assumpti—terminum citationis—ad alium tunc expressum terminum jam diu effluxum in diversis sessionibus pluries prorogavimus. Cum autem moniti et citati praedicti—coram nobis et dicto Concilio non comparuerint, nec comparere curaverint,—possintque merito contumaces reputari:—nos mature attendentes, pragmaticam sanctionem, vel potius, ut dictum est, corruptelam, schismatis tempore a non habentibus potestatem editam,—et a clarae memoriae Ludovico XI. Francorum Rege Christianissimo revocatam, cassatam, atque abolitam, auctoritatem, libertatem ac dignitatem dictae sedis violare ac diminuere,—ipsamque notorie nullitati subjacere, nulloque nisi alicujus temporis seu potius tolerantiae cujusdam adminiculo fulciri;—ab ejusdem improbae sanctionis extirpatione et totali annulatione, sine nostra et tantorum patrum in praesenti Concilio congregatorum nota, ac nostrae et ditorum illa utentium animarum periculo, abstinere seu desistere non posse, Augustino teste, judicamus atque censemus.—Nec illud nos movere debet, quod sanctio ipsa et in ea contenta in Basileensi Concilio edita, et ipso Concilio instante a Bituricensi congregatione receptata et acceptata fuerunt, cum ea omnia post translationem ejusdem Basileensis Concilii, per fel. mem. Eugenium, P. IV.—factam, a Basileensi conciliabulo—facta extiterint, ac propterea nullum robur habere potuerint: cum etiam solum Romanum Pontificem pro tempore existentem, tanquam auctoritatem supra omnia Concilia habentem, tam Conciliorum indicendorum, transferendorum, ac dissolvendorum plenum jus et potestatem habere, nedum ex sacrae Scripturae testimonio, dictis ss. Patrum et aliorum Romanorum Pontificum,—sed propria etiam eorundem Conciliorum confessione manifeste constet.—Cipientes quoque hujusmodi negotium ad debitum finem perducere,—de apostolicae potestatis plenitudine, eodem sacro approbante Concilio tenore praesentium praefatam pragmaticam sanctionem seu corruptelam—nullius roboris vel momenti fuisse et esse decernimus et declaramus. Necnon ad abundantio rem cautelam eandem Bituricensis sanctionem sive corruptelam—revocamus, cassamus,—annullamus ac damnamus.—Et cum de necessitate salutis existat, omnes Christi fideles Romano Pontifici subesse, prout divinae Scripturae et ss. Patrum testimonio edocemur, ac constitutione fel. mem. Bonifacii P. VIII.—quae incipit *Unam sanctam* declaratur: pro eorundem fidelium animarum salute, ac Romani Pontificis et hujus sanctae sedis suprema auctoritate, et Ecclesiae sponsae suae unitate et potestate constitutionem ipsam sacro praesente Concilio approbante innovamus et approbamus, sine tamen praedictae sanctae memoriae Clementi, P. V., quae incipit *Meruit* (see vol. iii. § 98, note 2): inhibentes in virtute sanctae obedientiae, ac sub poenis et censuris infra dicendis omnibus et singulis Christi fidelibus—in praefato regno Franciae, Delphinatu, et ubicunquo praedicta pragmatica—vigeret, quomodolibet existentibus,—ne de caetero praefata pragmatica sanctione, seu potius corruptela, quomodolibet—uti—praesumant,—nec praefatam pragmaticam sanctionem, aut in ea contenta capitula seu decreta ulterius in domibus suis, aut aliis locis publicis vel privatis teneant: quinimo illam ex quibusvis archivis, etiam regis, seu capitularibus, et locis praedictis infra sex menses a data praesentium computandos deleant seu deleri faciant, sub majoris excommunicationis latae sententiae, necnon quoad ecclesiasticas—personas—omnium—dignitatum aut beneficiorum ecclesiasticorum saecularium, et quorumvis ordinem regularium privationis, et inhabilitatis ad illa in posterum obtinenda; quo vero ad saeculares praefatae excommunicationis, necnon amissionis quorumcunque feudorum, tam a Romana quam alia Ecclesia—obtentorum,—inhabilitatisque ad omnes et singulos actus legitimos quomodolibet faciendos, infamesque ac criminis laesae majestatis in jure expressis poenis eo ipso—incurrendis: a quibus—nisi a Romano pontifice,—praeterquam in mortis articulo constituti, absolvi nequeant.

power.<sup>20</sup> Now, at last, the Papacy seemed once more to have entirely quelled the hostile spirit which had grown up at Constance and Basle, and found its stronghold in France; and at this very time it was near its most grievous fall.

<sup>20</sup> Compare, *Relation de ce qui se passa sur la Publication et l'Enregistrement du Concordat au Parlement de Paris* (in Münch's *Sammlung aller Konkordate*. Th. 1, s. 255; in a Latin translation in Richer's *Hist. Concill.*, lib. iv. P. ii. cap. 4, § 18). In February, 1517, the King first summoned a great assemblage of prelates, members of Parliament, and learned men from the University, and had a representation made to them by his Chancellor with regard to the concordat which had been concluded. The latter first discoursed upon the hostility of the Popes to the King and the Pragmatic Sanction, and upon the citation of the King and the Gallican Church before the Lateran Council. It was universally foreseen that a defense of the Sanction at Rome would end in its condemnation, parceque l'assemblée de Latran n'était composée que de courtisans de la cour de Rome, qui à cause de leur extrême avarice, et de leur ambition avoient la pragmatique en horreur, et étoient résolus de l'anéantir à droit ou à tort. Il paraissait donc plus avantageux de se laisser condamner par défaut et sans que la partie fût entendue. Mais comme le Roi savoit que, s'il vouloit s'opposer à l'abolition de la pragmatique, Leon X. avec son assemblée de Latran procéderait contre lui et contre son Royaume par des censures et par des interdits, et que si ces interdits et ces censures subsistaient une année entière, il s'en suivrait contre l'église gallicane une condamnation de schisme et d'hérésie, et que le Pontife Romain, ayant recours à la ruse et aux ligues, à l'exemple de Jules II., livrerait en proie le Royaume de France. Il voyoit aussi, qu'il n'avoit aucun moyen d'empêcher l'abrogation de la pragmatique, et il n'ignoroit pas, que, s'il n'y consentait, la France serait bientôt livrée au trouble et à la confusion, qui y régnoient avant le Concile de Constance et de Basle à cause des abus insupportables des réserves et des grâces expectatives. Enfin, pour remédier à tous ces inconvéniens, pour s'assurer ainsi qu'aux princes du Royaume et à toute son armée un retour facile et tranquille en France, pour dissiper les ligues faites contre lui, le Royaume de France, et ses principautés d'Italie, François Ier fut forcé de traiter avec le Pape Léon X.; et malgré tous ses efforts il ne put le faire, qu'en consentant à l'abolition de la pragmatique et à l'institution des Concordats. Then by an edict of 12th May, 1517 (in *Leibnitii Mantissa Cod. Jur. Gent. P. I. p. 161 ss.*; and in *Munch*, Th. 1, s. 224), the King published the concordat. Here he repeats, that now, since the Pragmatic Sanction could no longer be maintained, he was bound to consider how he might provide by law against the recurrence of the former disorder, which prevailed before the Sanction was given. The concordat furnished him with the means, and in such a manner, ut pleraque pragmatice sanctionis capita firma nobis posthac rataque futura sint.—Quod vero ad electiones pertinet, minime quod optabamus obtinere potuimus, causis in dictis conventis latissime insertis. The Parliament, however, refused to register and publish the concordat, and presented to the King two successive remonstrances against it (in *Leibnitii Mantissa*, P. ii. p. 335 ss., and in *Munch*, Th. 1, s. 268 ff.). The restoration of the annates was here chiefly objected to, which was in the highest degree perilous, pour évacuer en peu de temps ce Royaume d'or, d'argent et de finances, and which—ne se pourroit practiquer sans commettre le péché de Simoniae. The Parliament likewise declared itself against the position, que les grandes causes, les causes des Cardinaux et officiers de Cour de Rome ne seront traitées en ce Royaume, mais en la dicte Cour, and shows the dangerous results that would follow; moreover, against the Pope having power to appoint to benefices, qui vaceront par mort en Cour de Rome; also, that he had only renounced the reservation of the—beneficia vacatura, and so he might reserve them—post illorum vacationem. Then there were express remonstrances made against the dissolution of the elections of bishops and abbots, which right was—moult ancien, et fondé en droit divin. Lastly, the danger of the bull by which the Pragmatic Sanction was abolished, was shown. The second of the *Remonstrances* closed with the declaration, que les dicts

## § 136.

## ON THE GENERAL POSITION OF THE PAPACY.

By means of the reforming councils at Constance and Basle, in opposition to the doctrine of the Pope's universal monarchy which had been hitherto maintained, the other theory of the limitation of the Papacy by the ecclesiastical aristocracy, which had already reached its full growth in France, obtained full recognition in the Church.<sup>1</sup> The controversy between these two systems was waged incessantly from this time onward. General council was raised

Concordats sont contre l'honneur de Dieu, les libertés de l'Eglise, l'honneur du Roy et le bien public de son Royaume. However, the King remained firm in his desire, and became still more violent and menacing. The Parliament appealed on the 19th of March, 1518 (see the *Relation* in Münch, Th. 1, s. 267), au Pape mieux conseillé, et au premier concile général légitimement assemblé: and when the King nevertheless had the concordat published in Parliament on the 22d of March, it repeated this appeal on the 24th March (see the Appendix to the *Relation* of this day, which is wanting in Münch, given in a Latin translation by Richer). The University of Paris followed this example on the 27th March, 1518 (stylo gall. 1517), and appealed likewise—a *Domino nostro Papa non recte consulto, et jam dicti sacri Basileensis Concilii et ei adhaerentis pragmatice sanctionis statutorum abrogatione, novorum statutorum editione, consensus praetatione, et attentata illorum quadam publicatione, et omnibus inde sequutis et sequuturis—ad futurum Concilium legitime ac in loco tuto [congregatum], et quod libere et cum securitate—adire poterimus, et ad illum vel ad illos, ad quem seu ad quos de jure—vel alias nobis provocare et appellare licet.* (The text of this appeal in Leibnitii *Mantissa*, t. ii. p. 358 ss., and quoted thence in Münch, Th. 1, s. 307, is full of errors, and in many places unintelligible: a purer text may be seen in Richerii *Hist. Concill.*, lib. iv. P. ii. c. 4, § 14, and in the *Preuves des Libertez de l'église Gallicane*, chap. xiii. no. 18.) Both appeals were forced to yield to the King's power; still a strong feeling against the concordat lasted a long time. Thus Gilbertus Genebrardus (Professor of the Hebrew language at Paris, from 1593 Archbishop of Aix, † 1597), *Chronographia*, Paris, 1580, fol. ad ann. 1515, says of Leo X.: *Pragmaticam sanctionem sustulit, Concordata quae vocantur cum Rege Francisco agitans de nominatione Episcoporum et Abbatum, specioso praetextu, ut Rex propter electionum abusus—nominare teneretur: revera autem ageretur mysterium illud iniquitatis, quo perditam Ecclesiam Gallicanam cernimus, and further also below: Anno 1516, abrogata est in Galliis pragmatica sanctio, et Concordata, ut vocant, substituuntur, fremente universo clero, scholasticis, populo, bonis denique et doctis omnibus.* He also wrote, *De Sacrarum Electionum Jure et Necessitate ad Ecclesiae Gallicanae Redintegrationem*; but this book was condemned to the flames.

<sup>1</sup> With regard to the different theories of this time, see Gerson, *De Potest. Ecclesiastica* (written at Constance during the council), *consid.* xii. (Opp. ed. du Pin, ii. p. 246): *Potestas ecclesiastica papalis non ita habet dominia et jura terreni simul et coelestis imperii, quod possit ad libitum suum de bonis Clericorum et multo minus laicorum disponere; quamvis concedi debeat, quod habet in eis dominium quoddam regitivum, directivum, regulativum, et ordinativum. Declarationem hujus considerationis, quam discretio moderatrix atque mediatrix ponit inter errores oppositos, dum facere meditarer, occurrere visa est protinus in ipso meditationis meae secreto duplex improba pestis. Nomen unius Detractio livida, nomen alterius Adulatio subdola: prima potestatem ec-*

up against general council, author against author. As the councils of Constance and Basle maintained the principles of the liber-

clesiasticam deprimens subiciebat temporali; altera sustollebat in immensum, velut ad similitudinem Altissimi, confundens jura cujuslibet alterius potestatis. Tolle, tolle, clamat Detractio, temporalitatem omnem, jus vel dominium ab Ecclesiasticis. Quare? quia sic instituit Christus, cujus ista vox est: *Nisi quis renuntiaverit omnibus, quas possidet, non potest meus esse discipulus* (Luc. xiv. 33).—Addit Detractio, quod Ecclesiastici nequaquam capaces sunt jurisdictionis temporalis, etiamsi Principes illis conferre voluerint. Inducit Apostolum, quia *Nemo militans Deo implicat se negotiis saecularibus* (2 Tim. ii. 2). Addit Detractio, nihil habere Ecclesiasticos, neque decimas neque oblationes, quantumvis alias dotationes vel possessiones, nisi ex pura elemosyna donantium: et quod ab Ecclesiasticis peccantibus, saltem habitualiter, possent per saecularem potestatem optimo jure tolli; quia data est potestas haec saecularis in vindictam malefactorum, *neque sine causa gladium portat* (Rom. xiii. 4). Addit quarto innitens Apostoli verbis: *habentes alimenta et quibus tegamur, his contenti simus* (1 Tim. vi. 8), quia quicquid habent Ecclesiastici ultra simplicem victum et vestitum, totum illud est pauperum, cujus retentio nedum furtum vel rapina simplex est, sed sacrilegium.—Vult tandem Detractio Ecclesiasticos omnes ad illam Apostolorum et discipulorum primam paupertatem sine equis, sine thesauris, sine calceamentis, sine possessionibus de necessitate salutis redigere, execrans in Ecclesiasticis pompam omnem.—Consurgit ex adverso blandiens et subdola Adulatio, et ad aures Ecclesiasticorum, praecipue summi Pontificis, insusurrans: o quanta est, quanta sublimitas ecclesiasticae potestatis tuae! o sacer Clere, quam nihil est saecularis auctoritas tuae comparata! Quoniam, sicut Christo collata est omnis potestas in coelo et in terra, sic eam Christus omnem Petro suisque successoribus dereliquit. Unde et nec Constantinus quidquam Sylvestro Papae contulit, quod non esset prius suum, sed reddidit injusto detentum. Porro sicut *non est potestas nisi a Deo* (Rom. xiii. 1), sic nec aliqua temporalis vel ecclesiastica, imperialis vel regalis, nisi a Papa, in cujus femore scripsit Christus: *Rex Regum, Dominus Dominantium* (1 Tim. vi. 15). De cujus potestate disputare instar sacrilegii est: cul neque quisquam dicere potest: cur ita facis? si etiam temporalia omnia, si ecclesiastica bona atque dominia mutaverit, diripuerit, distraxerit. Mentior, si non inveniuntur haec scripta, ab-illis etiam, qui sapientes sunt in oculis suis; si praeterea non inveniuntur fuisse per aliquos summos Pontifices haec credita. Notum est illud Satyrici: *Nihil est quod credere de se non possit cum laudatur deus aequa potestas*; et illud Comici de adulate: *hic profecto ex stultis insanos facit*. Sentiens autem Adulatio quandoque nimis se cognosci, studet quasi modestiori sermone depressius uti, ut credibilior appareat. Concedit saeculari potestati possessiones et jurisdictiones proprias, quas tollere nequit pro libito Papa; recognoscit, Constantinum, vel alios Principes aliquid Ecclesiae noviter contulisse: nihilominus tradit, quod summus Pontifex supremus est Monarcha, nedum in spiritualibus, sed temporalibus, habens potestatem hanc immediate a Christo, sed alii Reges omnes et Principes suam recipiunt dominationem ab eo, et solum mediate a Deo. Alioquin, ait, monstruosus esset hic mundus, si haberet tot capita, quae non sub unico regerentur, rediretque Manichaei deliramentum, ponentis duo principia, unum bonorum et spiritualium, aliud malorum et temporalium. Unde et sicut corpus est propter animam, et ab anima vivit et regitur; sic potestas saecularis propter spirituales, a qua recipit suum esse legitimum. Quam auctoritatem spirituales qui negant vel impugnant, sint intus, sint foris Ecclesiam, possunt gladio, vel spirituali excommunicationis, sicut Catholici, vel debellationis, sicut infideles, feriri, et eorum dominia vel bona in alios transferri.—Rursus animadvertens Adulatio, durum esse multis hunc sermonem, et ideo minus credibilem, studet loqui restrictius, concedens, quod, sicut ante Petrum fuerunt apud infideles vera dominia, quemadmodum irrefragabilis auctoritas sacrae Scripturae et evangelicae narrationis testis est, sic non oportet nunc post Petrum, ut omnis potestas imperialis, regalis, vel altera saecularis sit immediate robor habens a summo Pontifice, sicut Rex Francorum Christianissimus superiorem hoc modo non habet, nec recognoscit in terris.



al theory, so the Council of Florence<sup>2</sup> and the fifth Lateran vindicated the Papal system. Among the quarrels of authors upon this subject, the most remarkable is that at the end of this period between the Dominican, Thomas de Vio Cajetan, and Jacobus Almainus, doctor of the Sorbonne.<sup>3</sup> The chief principles of the newly risen monarchical-aristocratic system were these: that the secular power is independent of the ecclesiastical;<sup>4</sup> that the supreme and legislating sovereignty in the Church belongs to gen-

*Idcirco transfert verbum suum Adulatio loqui de dignitatibus, officiis, et bonis Ecclesiasticorum, quae omnia sic subijcit summo Pontifici, ut quidquid circa ea placuerit disponere mutando, transferendo, appropriando, hoc possit, hoc teneat, et ratum sit, licet hoc sine causa, licet cum peccato suo peregerit: quamvis peccatum circa hoc vult Adulatio longe a Papa sic facere, ut eum simoniam posse neget committere, quoniam sas sunt omnia ecclesiastica bona, concedit insuper quod super jus est, potens ab altero jus suum tollere; et quod nec ab eo appellari, neque eum judicialiter evocari, nec obedientiam ab eo subtrahi, praesertim extra casum haeresis, sit aliquatenus possibile. Hic solus symbolum fidei condere, hic solus causas ejusdem fidei, et majores caeteras tractare potest; solus, ut jam tactum est, definitiones, regulas, leges et canones condit: alioquin quidquid per alios definitur, decernitur, conditur, statuitur, irritum est et inane; nec aliquid ex eis quae statuerit potest, nisi per ipsum, quomodolibet cassari vel infringi: ipsum vero aliena qualiscumque constitutio ligat nulla. Fallor, si non ante celebrationem hujus sacrosanctae Constantiensis Synodi sic occupaverat mentes plurimorum, liberalium magis quam literatorum, ista traditio, ut oppositorum dogmatizator fuisset de haeretica pravitate vel notatus, vel damnatus. Hujus rei signum accipe, quia post declarationem ex theologiae principiis luce clariorem, et quod urgentius est, post determinationem et practicationem ejusdem sanctae Synodi inveniuntur, qui talia palam asserere non paveant: tam radicatum, et ut cancer serpens tam medullitus imbibitum fuit hoc praeae adulationis virus letiferum.*

<sup>2</sup> In the *Definitio s. oecumenicae Synodi Florentiae* (Labbei et Cossartii *Concilia*. t. xiii. p. 515), it reads: *Item diffinimus,—ipsum Pontificem Romanum successorem esse b. Petri, principis Apostolorum, et verum Christi vicarium, totiusque Ecclesiae caput, et omnium Christianorum patrem ac doctorem existere; et ipsi in b. Petro pascendi, regendi, ac gubernandi universalem Ecclesiam a domino nostro Jesu Christo plenam potestatem traditam esse.*

<sup>3</sup> Cajetan wrote in 1511 against the Synod of Pisa, his *Tract. de Comparatione Auctoritatis Papae et Concilii* (in Rocaberti, *Biblioth. Max. Pontificia*, t. xix. p. 443, and elsewhere), in which he defends the Papal system in the most unmitigated manner. The Synod of Pisa sent this book with a letter, dd. 10th January, 1512 (see in Richerii *Hist. Concill.*, lib. iv. P. i. c. 2, § 9), to the University of Paris with a requisition to refute it. Jac. Almainus, thus encouraged, wrote his *Tract. de Auctoritate Ecclesiae et Conciliorum Generalium* (in Gersonii *Opp. ed. du Pin*, ii. p. 976), in June, 1512. Cajetan wrote in answer, *De Comparata Auctoritate Papae et Concilii Apologiae*, in two parts (in Rocaberti, xix. p. 493), and afterward, A.D. 1521, *De Romani Pontificis Institutione et Auctoritate* (l. c. p. 526). Almainus was hindered from answering by his death, in 1513. At the same time, the Doctor of the Sorbonne, Johannes Major, a Scot, controverted Cajetan in several works published in Gersonii *Opp. ed. du Pin*, ii. p. 1121 ss.

<sup>4</sup> See Nicolai Cusani *De Concord. Cathol.* (see § 132, note 12), lib. iii., in Schardii *Synagma Tractatum*, p. 356 ss. Joannes Major, *Comm. in Sent.*, lib. iv. dist. 24. (printed in Gersonii *Opp. ed. du Pin*, ii. p. 1121) and *Scholia in Evang. Matthaei cap. 16*, written A.D. 1518 (with the title *Disp. de Potestate Papae in Rebus Temporalibus*, *ibid.* p. 1145). Jac. Almaini *Expositio circa Decisiones M. Guil. Occam super Potestate summi Pontificis* (Gersonii *Opp.* ii. p. 1013).

eral councils alone,<sup>5</sup> to which the greater number of the theologi-

<sup>5</sup> Gerson, De Potest. Eccl. consid. xi. (Opp. ii. p. 248): Potestas ecclesiastica in sua plenitudine est in Ecclesia, sicut in fine, et sicut in regulante applicationem et usum hujusmodi plenitudinis ecclesiasticae potestatis per se ipsam, vel per generale Concilium, ipsam sufficienter et legitime representans. Constat itaque, datam fuisse Petro plenitudinem ecclesiasticae potestatis a Christo ad aedificationem Ecclesiae suae, sicut conformiter ad Apostolum ponit descriptio. Propterea loquitur Augustinus cum aliis quibusdam, quod *claves Ecclesiae datae sunt non uni, sed unitati*, et quod, *datae sunt Ecclesiae*.—Potest etiam dici in Ecclesia vel in Concilio haec plenitudo ecclesiasticae potestatis nedum in se formaliter, sed aliis duobus modis, videlicet quoad applicationem ad hanc vel illam personam, et quoad usum regulandum, si fortassis in abusum verti quereatur.—Cum igitur summus Pontifex habens eam subjective sit peccabilis, et possit hanc potestatem in destructionem Ecclesiae velle convertere; similiter sacrum Concilium, quod ei datum est et coassistit quasi communitas aristocratica, non est in gratia vel fide confirmatum: superest, ut aliqua sit relicta inobliquabilis et indeviabilis regula ab optimo legislatore Christo, secundum quam possit abusus hujusmodi potestatis reprimi, dirigi atque moderari. Haec autem regula est vel Ecclesia, vel generale Concilium.—Hic fundantur ea multa, quae per hoc sacrum Concilium (Constantiense) et constituta et practicata sunt: ut quod Papa judicari potest et deponi per Concilium, etc. Nicolaus Cusanus De Concord. Cathol., lib. ii. c. 34, in Schardius, p. 349: Si universalia catholica Ecclesia infallibiliter per Christi assistentiam dirigitur; tunc concurrente omnium Christianorum consensu ad quamcumque conclusionem necessitatem salutis includentem, necessario sequitur, illam christianam, fidelem et veram. Universale vero Concilium dictans talem conclusionem consensu et legatione omnium fidelium, necessario ex Christi assistentia et Spiritu Sancto inspirante vere et infallibiliter dictat eandem.—Omnes autem provinciales Synodos, ac etiam Romanos Pontifices hoc privilegium non attingit. P. 351: Nec fuit Petrus ex illo primatu Ecclesiae major: quoniam ipse ab Ecclesia et propter eam nominatur secundum Augustinum.—Quare illa Petri majoritas non fuit majoritas supra, sed infra Ecclesiam. Unda licet os sive caput esset Apostolorum ac Ecclesiae,—tamen nihilominus tanquam membrum subfuit.—Unitas fidelium est illa, ad cuius servitium et observantiam praesidentia est super singulos. Hinc unitas fidelium, quam nos Ecclesiam dicimus, sive universale Concilium catholicae Ecclesiae ipsam representans est supra suum ministrum ac singulorum praesidem. Andreas, Episc. Megarensis, Gubernac. Concill. (see § 132, note 19), in v. d. Hardt, Conc. Const. vi., iv. p. 147: haec plenitudo potestatis papalis non fuit data Petro, ut Petro, sed fuit data universali Ecclesiae. P. 162: quando Petrus claves accepit, has potius tota Ecclesia suppositaliter accepit in ipso Petro, sive per ipsum Petrum, et ipse Petrus claves accepit in typo, mystice; et ministerialiter ab ipsa Ecclesia universali. Claves enim, quas Ecclesia non poterat per omnes exercere universaliter, voluit quod exequerentur per Petrum et ejus successores particulariter. P. 158: potestas universalis Ecclesiae seu Synodi generalis convocatae canonice est major, quam potestas Papae:—quia potestas Concilii est a Deo, Christo Jesu immediate, duntaxat; et potestas Papae est a Christo et Conciliis. Alphonsus Tostatus (Lecturer at Salamanca, afterward Episc. Abulensis, and the King's Councilor, † 1454) Comm. in Numer. c. 15, quaest. 48: Claves Ecclesiae datae sunt a Christo toti Ecclesiae: quia tamen non poterat tota Ecclesia dispensare illas, cum non esset aliqua persona, tradidit eas Petro nomine Ecclesiae. Si tamen intelligeretur, claves traditas esse Petro specialiter, non solum sequeretur inconveniens commune, quod alii Apostoli non habuissent aliquam auctoritatem clavium, quod falsum est, quia illis data est potestas remittendi peccata, ut patet Joannis 20. *Cap. scil. accipite Spiritum Sanctum, et quorum remiseritis peccata, remissa erunt, et quorum retinueritis, retenta erunt*: ista tamen est sola potestas clavis: ergo alii Apostoli susceperunt claves. Sed aliud inconveniens majus erat, scil. quod defuncto Petro non mansissent claves, quod necesse erat, si soli Petro datae fuissent, et non solum si ipsi soli, sed etiam si omnibus Apostolis datae fuissent claves specialiter tanquam determinatis personis, defunctis illis non mansissent claves in Ecclesia, quia isti non habebant potestatem dandi aliis

ans of this party at the same time ascribed infallibility;<sup>6</sup> that the

claves, faciendo eos successores suos, cum nemo posset Praelatum successorem sibi facere. Et tamen omnes successores b. Petri et aliorum Episcoporum habent claves, sicut habuit Petrus et alii Apostoli: ergo non fuerunt datae claves illis tanquam determinatis personis, sed tanquam ministris Ecclesiae, et tunc magis dabantur claves Ecclesiae, cum Ecclesia, quae habet ipsas radicaliter, nunquam moriatur. Quaest. 49: Ecclesia suscipit claves a Christo, et Apostoli tanquam ministri Ecclesiae; et nunc Ecclesia illas habet, et Praelati etiam, sed aliter Ecclesia quam Praelati: nam Ecclesia habet secundum originem et virtutem, Praelati autem habent secundum usum earum. Dicitur Ecclesia habere secundum virtutem claves, qua potest illas conferre Praelato per electionem.—Ecclesia autem a nullo suscipit, postquam semel a Christo suscepit, ideo illas per originem et virtutem habet. Praef. ad Evang. b. Matthaei with reference to the Council of the Apostles: Hoc factum est Spiritu S. dictante, ut recognosceretur per hoc auctoritas et potestas Concilii generalis, qua nulla est major super terram, et non potest errare in pertinentibus ad fidem, nec errat in pertinentibus ad mores. Quilibet autem homo, quantumcunque sanctus et quantaecunque potestatis potest errare in fide et effici haereticus. Sicut de multis summis Pontificibus legimus, ut de Liberio, de Joanne XXII., et aliis quibusdam. Dionysius Carthusianus (properly de Lewis of Ryckel, a Carthusian at Bremeonde † 1471), De auctoritate Papae et Concilii, lib. i. art. 31: Concilium generale nonnisi propter causas singulariter magnas et arduas, utputa quae aliter congrue expediri non queunt, congregandum celebrandumque esse omnes fatentur. Porro hae causae sunt extirpatio haereticæ pravitatis ac schismatis, declaratio fidei atque editio Symboli Ejus, universalis reformatio Ecclesiae in capite et in membris. Itaque in expeditione istorum major dicitur potestas Concilii generalis quam Papae, quoniam Christus promisit Ecclesiae seu Concilio ipsam repraesentanti infallibilem directionem et gloriosam assistentiam incessantem; ita quod errare non potest in fide, neque in his, quae ad bonos pertinent mores, eo quod in talium determinatione regatur immediate a Spiritu Sancto. Unde et Papa in talibus tenetur stare determinationi Ecclesiae, seu statuto Concilii, tanquam ordinationi et sententiae Spiritus Sancti. Cumque Papa possit errare in fide et moribus et caeteris, quae sunt de necessitate salutis; ejus judicio non videtur ultimate et certitudinaliter standum in istis, cum non sit infallibilis regula, neque indeviabile fundamentum. Jac. Almainus De Auct. Eccl. et Concilii. generall. c. 7 ss. (Opp. Gersonii, ii. p. 989 ss.)

<sup>6</sup> The infallibility of general councils came before the Council of Basle only as a controverted doctrine in the schools, and as such was denied even at the council itself without causing any offense, by Petrus de Alliaco; see above, § 131, note 4. This doctrine gathered shape after the Council of Constance; see (Blau's) *krit. Gesch. der kirchl. Unfehlbarkeit*, Frankf. a. M. 1791, s. 240 ff.; and was maintained decidedly by John Gerson, Alphonsus Tostatus, Dionysius Carthusianus, Nicolaus Cusanus. There were others indeed who held as an article of faith the infallibility of the universal Church, but not of general councils: thus Joannes Breviscoxa (Doctor Paris, from 1420 Bishop of Paris, from 1422 Bishop of Geneva), *Tract de Fide, Ecclesia, Romano Pontifice et Concilio*. Art. 3, in Gersonii Opp. ed. du Pin, i. p. 898; Thomas Netterus Waldensis (Provincial of the Carmelites in England † 1430) *Doctrinale Antiquitatum Fidei Cathol. adv. Wiclevitas et Hussitas*. T. i. lib. ii. c. 19, 27; Nicolaus de Tudesco, Archiep. Panormitanus (famous as a member of the Council of Basle, and as a canon-lawyer, under the names Abbas or Panormitanus) *Comm. in Decretal*, lib. i. Tit. 6, c. 4: Antoninus Archiep. Florentinus *Summa Theol.* P. iii. Tit. 23, c. 2, § 6; see Blau, *ibid.* s. 241 ff. However, the doctrine of the infallibility of general councils gradually obtained universal ascendancy among the liberal theologians as the counterpoint to the curialist theory of the infallibility of the Pope. See Jac. Almainus *De Auct. Eccl. et Conc. Gen.* c. 10. (Gersonii, Opp. ii. p. 1001): Papa potest errare errore judiciali, de errore personali omnibus notum est. Probatum ista propositio: duo summi Pontifices determinaverunt contraria, etiam in his quae fidem tangunt, ergo alter eorum erravit errore judiciali. Antecedens patet de Joanne XXII. et Nicolao, quorum unus determinavit judicialiter, Christum et Apostolos nihil habuisse in communi, nec in proprio; alter oppositum, ut videre est in eorum ex-

Pope being subordinate to them, was only a *caput ministeriale Ecclesiae*, and not authorized to give laws to the Church;<sup>7</sup> and that appeals might be made from the Pope to a general council;<sup>8</sup> in fine, that the episcopal power did not rest upon the Papal power, but shared the same foundation.<sup>9</sup> Although the reasons

travagantibus. Secundo Innocentius III. et Caelestinus determinaverunt contraria super ista propositione: uno conjugum ad haeresim transeunte, alter qui remanet in fide potest ad secunda vota transire. Determinatio Innocentii III., quod non potest, ponitur in cap. *Quanto, De divortiiis*. Determinatio Caelestini, ut dicit Glossa in eodem Cap. olim ponebatur in Decretalibus *ed conversione conjugatorum* in fine. Tertio, aliqui statuerunt contra Evangelium, ut Pelagius, qui fecit constitutionem, quod omnes Subdiaconi Siciliae a suis uxoribus abstinerent, quas in minoribus Ordinibus duxerant, aut ab officio cessarent: quam (quia erat iniqua et contra Evangelium) retractavit Gregorius I., ejus successor, ut patet 81. Dist. Can. *Ante triennium*, in textu et in glossa. —Ex his satis patet, quod summus Pontifex potest errare, sententiando in materia fidei. —Sequitur secundo, quod ultima resolutio in his quae fidei sunt, non spectat ad summum Pontificem. —Concilium universale in his quae fidei sunt errare non potest, et sic ad ipsum ultima fidei decisio spectat.

<sup>7</sup> See note 5. Gerson, De Modis uniendi ac reformandi Ecclesiam in Conc. Univ. c. 2; see § 131, note 1. Responsio synodalis Conc. Basil. ann. 1432 (see § 132, note 14), in Mansi xxix. p. 249: *Etsi sit caput ministeriale Ecclesiae*, non tamen est major tota Ecclesia. With regard to the binding force of Papal decrees see Gerson, De Potest. Eccl. consid. iv. (Opp. ii. p. 232): *Ecclesia potest condere leges obligantes, et regulantes etiam ipsum Papam, tam quoad personam, quam respectu usus potestatis*. Non sic e contra potest Papa judicare totam Ecclesiam, vel usum suae potestatis limitare: immo si Papa condat leges et canones, videtur observandum illud quod dicit Augustinus: *leges instituntur cum promulgantur, firmantur autem cum moribus utentium approbantur*. Hoc enim dicitur ad reprimendam praesumptionem quorundam summorum Pontificum vel eis adulantium, etc. Nicolaus Cusanus De Concord. Cath. lib. ii. c. 9; Ecclesiastici canones non possunt nisi per ecclesiasticam congregationem, quae Synodus vel coetus dicitur, statui. Et ideo nisi, quicumque ille fuerit, aut Papa, aut Patriarcha, decreta secundum canones ecclesiasticos promulgaverit, non possunt illa statuta, canones, sive ecclesiastica statuta vocari; et nihil habent firmitatis, cujuscunque particularis statuta, nisi in quantum per acceptionem et usum seu consensum confirmantur, seu canonibus consentiant. Almainus De Auct. Eccl. et Conc. gen. c. 12. (Gersonii Opp. ii. p. 1008): Summus Pontifex non solum deponi potest ab Ecclesia seu Concilio pro haeresi, verum etiam et pro alio crimine notorio Ecclesiam scandalizante.

<sup>8</sup> This was one of the points which was most loudly and most frequently disputed between the two parties. Martin V. had already condemned such appeals at Constance, and thereby roused Gerson to their defense; see § 131, note 23. Pius II. condemned them afresh; see § 133, note 26; but he likewise met with a stout resistance from Gregory of Heimburg; see *ibid.*, note 29.

<sup>9</sup> Gerson, De Potest. Eccl. Epilogi Conclus. 2 (Opp. ii. p. 256): *Nec tamen plenitudo potestatis papalis sic intelligenda est immediate super omnes Christianos, quod pro libito possit immediate jurisdictionem in omnes per se vel alios extraordinarios passim exercere: sic enim praedjudicaret Ordinariis, qui jus habent immediatius, immo immediatissimum super plebes eis commissas, actus hierarchicos exercendi*. Extenditur igitur plenitudo potestatis Papae super omnes inferiores solum dum subest necessitas ex defectu Ordinariorum inferiorum, vel dum apparet evidens utilitas Ecclesiae. Nicol. Cusanus De Concord. Cath. lib. ii. c. 13: *Pro investigando veritatem illius, an scilicet de jure positivo omnes Praelati inferiores Papa derivative, scil. ab ipso Papa, jurisdictionem habeant;—oportet primo, si hoc verum foret, Petrum aliquid a Christo singularitatis recepisse, et Papam in hoc successorem esse*. Sed scimus, quod Petrus nihil plus

in defense of this theory were principally drawn from the earlier ecclesiastical laws, which had been still retained in the collections of statutes in force; yet, as the investigation of these laws could have easily led to more comprehensive historical researches, its champions took their ground almost exclusively upon the dogmatical scholastic platform. Undoubtedly individuals had attained, by the help of the newly-awakened knowledge of antiquity, to deeper insight into history. The fraud of the Pseudo-Isidorian decretals and the spuriousness of the grant of Constantine were known to many, and the latter had been publicly announced by Laurentius Valla.<sup>10</sup> However, these discoveries were neither as yet made public property, nor used by the liberal canonists for their own advantage, and so the weapon of history, most fatal to the Papacy, was not yet directed against it with any effect.

Against this new monarchic-aristocratical system, which had grown up especially in France, and was regarded and defended as

potestatis a Christo recepit aliis Apostolis.—Nihil enim dictum est ad Petrum, quod etiam aliis dictum non sit.—Ideo recte dicimus, omnes Apostolos in potestate cum Petro aequales.—Unde cum potestas ligandi et solvendi, in qua fundatur omnis ecclesiastica jurisdictio, sit immediate a Christo;—et quia ab illa potestate ligandi et solvendi est divinae jurisdictio potestas; patet, omnes Episcopos, et forte etiam Presbyteros aequalis potestatis esse quoad jurisdictionem, licet non executionis. Quod quidem exercitium executivum sub certis positivis terminis clauditur et restringitur propter melius et causam cum majori parte perducendi omnes homines ad finem suum, scil. Deum: ob quem finem finaliter omnis potestas, et jurisdictio, et statuta humana per media proportionata tempori et loco tendere debent. Unde cessante causa statui illius,—puta vel ob negligentiam inferiorum, vel necessitatem, tunc cessant illa positiva jura.—Quare dicimus,—quod omnes Episcopi unius sunt potestatis et dignitatis: quae supra sunt, scil. Archiepiscopalis, Patriarchalis, et Papalis sunt administrationes.—Quare hoc solum singularitatis in Petro inveniimus, quod ipse fuit major in administratione, ad quam volentibus Apostolis a Christo est electus, quia senior.—Sicut principatus Petri a legatione Christi dependebat, ita et omnium Episcoporum:—quare qui eos audit, Christum audit.—Apostolicum praeceptum habent omnes Episcopi regendi se et gregem.—Si dicis, Papam subditos Episcoporum absolvari et ligare, dico idem in aliis, quando consensus propriorum intervenit. Actus enim, aliter nullus, per consensum aut gratificationem proprii sacerdotis in hac materia validus efficitur.—Cum ergo usu communi sit hoc introductum, et ex usu consensus elicitur, patet quod efficacia hujus vigorem ex consensu recipit.—Igitur non legitur, antiquos Romanos Pontifices se de his intromisisse, et talia confessionalia et alia consimilia concessisse, et forte non fuisset permissum. Unde si Concilium Africanum, cui se subscripsit s. Augustinus, non admisit appellationem a Synodo ad Papam (see vol. i. § 92, note 52),—quomodo tunc admisissent ista, et ea quae hodie exorbitanter fiunt? Sed quia consensus ex usu longaevo hoc nunc introduxit, valida illa sunt quoad animarum salutem, quam diu patiuntur: tolli autem possent per Concilium, et hoc reformatio deposcit.—Et dum hanc partem defendimus, quod Paps non est universalis Episcopus, sed super alios primus, et sacrorum Conciliorum non in Papa, sed in consensu omnium vigorem fundamus: tunc quia veritatem defendimus, et unicuique suum honorem reservamus, recte Papam honoramus.

<sup>10</sup> See vol. ii. § 20, note 17 and 21.

the groundwork of all Church freedom, the ancient Papal system, under the protection of the popes, found no less decided champions principally in Italy, among the throng of men who were bound to the Curia partly by favors received, partly by their hopes;<sup>11</sup> roused by opposition, they maintained this system in its most unmitigated form, and without avoiding its most obnoxious results.<sup>12</sup> According to them the Pope's authority was exalted immeasurably above every other dignity on earth;<sup>13</sup> the Pope was the lord of

<sup>11</sup> Thomas de Corsellis says, in his speech before the Council of Basle (Aen. Sylvius de Conc. Basil., lib. i. ed. Cattopoli, 1667, p. 19): Sunt aliqui, sive avidi gloriae, sive quod adulando prœmia exspectant, qui peregrinas quasdam et omnino novas prædicare doctrinas coeperunt, ipsamque summum Pontificem ex jurisdictione sacri Concilii demere non verentur. Excoecavit namque illos ambitio, a qua non solum hoc modernum, sed omnia usque in hanc diem schismata suborta reperiuntur.—Alius clamat, subditorum facta iudicari a Papa, Romanum vero Pontificem solius Dei reservari arbitrio. Alius dicit, quia primam sedem nemo iudicabit.—Alius vero asserere non veretur, Romanum Pontificem, quamvis animas catervatim secum ad inferos trahat, nullius reprehensioni fore subjectum. Nec considerant miseri, quia quae prædicant tantopere verba aut ipsorum summorum Pontificum sunt, suas fimbrias extendentium, aut illorum, qui eis adulabantur. Jacobi de Paradiso (Carthusian and Doctor of divinity at Erfurt), Collectum de septem Statibus Ecclesiae in Apocalypsi mystice descriptis (written 1449), in Walchii, Monim. Medii Aevi, vol. ii. fasc. 2, p. 48 s., below, note 81; Joannes Major (see note 2), Comm. in Math. c. xviii.; in Gersonii Opp. ii. p. 1144: Quod vero plures Pontificem extollant quam Concilium, non miraberis. Concilium raro congregatur, nec dat dignitates ecclesiasticas, Papa dat eas: hinc homines ei blandiuntur, dicentes, quod solus potest omnia quadrare rotunda, et rotundare quadrata, tam in spiritualibus quam in temporalibus.

<sup>12</sup> In the fifteenth century one Joannes de Turrecremata, a Dominican, Magister s. Palatii, sent as Papal envoy to the Council at Basle, from 1439 Cardinal, † 1468, takes the first place among them. Against the Council of Basle he wrote his Summa de Ecclesia et ejus Auctoritate, lib. iv. (Lugd. 1496; Venet. 1561), from which lib. ii., De potestate Papali and lib. iii., De Conciliis, in Rocaberti Biblioth. Max. Pontificia, t. xiii. p. 281, have been taken; where also, p. 575, ejusd. De summi Pontificis et generalis Concilii potestate, ad Basileensium Oratorem in Florentina Synodo responsio, viva voce exhibitâ, is to be found. With regard to Cajetan, see above, note 8.

<sup>13</sup> Jo. de Turrecremata, lib. ii. c. 52, states wherein the plenitudo potestatis Romani Pontificis is shown. To wit, Primo ostenditur ex his, ex quibus excellentia papalis dignitatis sive principatus nobis figuraliter describitur.—Secundo ostenditur—in extensione principatus sui; extenditur enim in totum orbem terrarum, nullus enim fidelis in toto orbe Christiano eximitur ab ejus principatu.—Tertio—ostenditur in potestate clavium in foro conscientiae. Extenditur enim potestas clavium in eo ad omnia loca, ad omnes personas, ad omnes casus.—Quarto—ostenditur in clavibus judicariae potestatis in foro exteriori. Valet enim de omnibus personis orbis Christiani, cujuscumque status aut conditionis existant, judicare: est enim iudex totius Ecclesiae.—Cum enim Romanus Pontifex caput totius Christianae communitatis princeps existat; ejus non tantum est promovere ea et ordinare, quae ad bonum reipublicae, et consecutionem supernae beatitudinis, quae finis ultimus Christianorum est, conferunt, sed ea tollere et submovere prohibendo et corrigendo, quae ad motionem ad talem finem fideles impediunt.—Quinto plenitudo potestatis Romani Pontificis ostenditur in depositione Episcoporum.—Sexto—in hoc, quod ejus potestas a nulla potestate humana exceditur, vel superatur; sed ipsa omnem aliam excedit et superat.—7. in hoc, quod non arctatur ejus potestas ad hoc, ut semper servato ordine inferiorum potestatum operetur, sed potest mediantibus illis, vel

all princes,<sup>14</sup> as well as the source and perpetual dispenser of all

illis intermissis, immediate in quemcunque Christianum operari, ut immediatus ordinarius Pastor et Praelatus, quando viderit expedire.—8. in exemptione inferiorum Praelatorum a superiori.—9. in hoc, quod non ligatur legibus a se factis, aut etiam sacrorum Conciliorum canonibus, sed potest ex plenitudine potestatis super jus et leges positas facere, et in canonibus Conciliorum juxta temporum opportunitatem aut locorum, et personarum condiciones dispensare.—10. in dispensatione actionum humanarum, puta votorum et juramentorum.—11. in administratione et dispensatione rerum ecclesiasticarum. Alii autem Praelati et Collegia habent potestatem coarctatam in administrando et dispensando res suas, et transferendo dominium ipsarum, obligando, et alienando, quia non nisi ex certis causis et cum certis solemnitatibus jure possunt res Ecclesiae alienare :—Papa vero in istis solus sine consensu etiam cujuscumque, et sine solemnitatibus potest res quascumque cujuslibet Ecclesiae alienare, et alienando dominium transferre, dum tamen hoc faciat ex justa causa.—12. in hoc,—quod quaedam sunt superiorum Ordinum, quae potest Papa committere inferioribus quibusdam : sicut Presbyteris concedit conferre minores Ordines, quod pertinet ad potestatem Episcopalem :—13. in dispensatione thesauri Ecclesiae, quoniam ipse solus, utpote Christi principalis vicarius et dispensator, dat plenariam indulgentiam, et omni homini fideli de toto mundo.—14. in hoc, quod dispositio totius ecclesiastici ordinis quoad dignitates ecclesiasticas,—et dispensatio beneficiorum, tanquam ad servum, quem constituit Dominus super familiam, ut det illis tritici mensuram, pertinent ad Romanum Pontificem.—15. in canonizatione Sanctorum. Rodericus Sancius, Episc. Zamorensis et Referendarius, P. Pauli II., Speculum Vitae Humanae (Romae, 1468, frequently published, e. g. Argent. 1507, fol.), lib. ii. c. 1 : Summi Pontificatus excellentiam, dignitatem et auctoritatem,—illiusque necessitatem et utilitatem ostendere, hodie munus suscepi, grande quidem negotium, sed parvum ingenium. Cujus tanta est sublimitas et eminentia, tanta immensitas, ut nullus mortalium nedum comprehendere, aut satis exprimere, sed nec cogitare posset. Obtundit enim omnem humanum intellectum illius sacratissimi et omnium eminentissimi status majestas et excellentia, quia scriptum est : *scrutator majestatis opprimetur a gloria*. Si—nihil in hoc saeculo excellentius—inveniri potest statu et dignitate simplicium sacerdotum,—quid cogitandum est de eo summo Pontifice, qui vices veri Dei gerit in terris? qui ad plenitudinem status, qui ad apostolicum thronum, qui ad culmen omnium dignitatum assumitur, ex qua certe, ut rivuli a fonte, rami ab arbore procedunt. Qui non ad humanum tantum principatum, sed ad divinum; non ad principandum solum mortalibus, nec modo hominibus, sed angelis; non ad judicandum vivos, sed mortuos; non in terra solum, sed in caelo; non ad praesidendum solis fidelibus, sed infidelibus: et (ut paucis agam) qui ad eam ipsam dignitatem, ad eandem jurisdictionem et coactionem, ac universalem toto orbe supremum principatum a summo Deo et ejus loco super cunctos mortales institutus et evectus est. De quo per Job scriptum est, quod coram eo curvantur, qui portant orbem, et Reges seculi atque tyranni ridiculum sunt, qui solus omnem potestatem ambit. Et, sicut Scriptura commemorat, unus est, et secundum non habet.—Cujus, teste propheta, suae sunt justitiae, potestas et imperium. Quem iterum David signat inquit : dedit ei potestatem et regnum, et omnes populi et linguae servient ei, etc.

<sup>14</sup> On this head Jo. de Turrecremata is somewhat more moderate. He designates, ii. c. 103, as two extremes, the opinions, quod Romanus Pontifex ratione sui principatus in solis spiritualibus consistat, ita quod nullo modo jure Papatus ad temporalia se extendat, and, quod R. P. jure sui Principatus, sive Vicariatus Christi habeat in toto orbe terrarum plenam jurisdictionem, non solum in spiritualibus sed etiam in temporalibus, quod omnium Principum saecularium jurisdictionalis potestas a Papa in eos derivata sit. He asserts, on the contrary, quod spirituali potestati potestas saecularis in Papa conjungitur, qui utriusque potestatis apicem tenet, but that he only held—jurisdictionem in temporalibus in toto orbe Christiano, in so far—quantum necesse est pro bono spirituali conservando ipsius et aliorum, sive quantum Ecclesiae necessitas exigit, aut debitum pastoralis officii in correctione peccatorum exposcit. Accordingly the Pope was not—

orbis Dominus, or, Rex aut Imperator orbis; it did not follow, ut quemadmodum omnes dignitates ecclesiasticae a sede Apostolica pendere dicuntur ab ea jurisdictionem sumentes,—ita principatus et jurisdictiones Regum et Principum saecularium dependent ab ea. Neither any more, quod de feudis Principum saecularium, aut de possessionibus directe se intromittere aut judicare valeat regulariter; and, quod a quocunque iudice saeculari passim et regulariter ad eum possit appellari. Moreover—Papa non habet potestatem, sive jurisdictionem in temporalibus, ut Reges in bonis temporalibus habent dominium, nec ita ut sit regulariter eorum dispensator:—non habet ita plenam jurisdictionem in temporalibus, sicut in spiritualibus, ita quod sicut deponere potest Praelatum ecclesiasticum, etiam sine culpa sua, ita possit deponere Principem saecularem, sive laicum. On the other hand, cap. 114: potestatis spiritualis, et maxime Papae, qui est universalis dux et rector populi Christiani, est dirigere et regulare, praecipere atque leges dare potestati saeculari, quibus in administratione sui officii dirigatur in finem ultimum felicitatis aeternae. Et secundum hoc Romanus Pontifex se habet ad Reges et Principes, tanquam architectonicus ad artifices: ille enim propter quid et regulas judicandi scit: isti autem, scilicet artifices mechanici, tanquam experti in multis ipsum quia sciunt, propter quid autem ignorant: propter quod debet illis Papa leges dare, secundum quas debent jurisdictionem suam exequi, et populum regere in ordine ad beatitudinem supernaturalem.—Ex cura ergo pastoralis, quam Romanus Pontifex habet super omnes fideles, cujuscumque status, dignitatis vel conditionis existant, statim datur intelligi, quod apicem non tantum spiritualis potestatis, sed etiam temporalis aliquo modo habere dicendus sit.—Sine ulla dubitatione ad Praelatos Ecclesiae, et maxime ad Praelatum Praelatorum pertinet jure sibi a deo collato recognoscere et judicare de peccato quocumque.—Non solum Principes saeculares circa usum suae jurisdictionis delinquentes potest per censuram ecclesiasticam coercere, verum etiam eos notabiliter negligentes a dignitate deponere. This moderation of Torquemada, by means of which, however, not one of the Papal pretensions was rescinded, was probably the fruit of circumstances during the Council of Basle. Afterward the Ultramontanes spoke with less disguise. Thus Dominicus Venetus (Episc. Torcellanus, afterward Brixiensis, about 1465), in Marci Antonii de Dominis De Republ. Eccles. lib. vi. c. 10, § 3): Papa est verus Dominus mundi, et verus Monarchia, et apud ipsum est utraque monarchia. Papa potest tollere Imperium, praesertim si videatur sibi, quod aliter mundus melius gubernaretur: et quod nullus esset Monarcha praeter ipsum, et quod Reges immediate ipsum recognoscerent, et nullum alium superiorem. Papa temporalem jurisdictionem habet universaliter in omni loco, et potest eam exequi. Papa non solum potest deponere Imperatores et Reges, verum etiam Imperium et Regnum extinguere in laicis, etiam sine causa, et Principatus supprimere, et nova regna aut Principatus erigere. Rodericus Sancius, Bp. of Zamorra (see note 11), in his work, De Origine et Differentia Principatuum (in Le Bret's Magazin f. Staaten- und Kirchengesch. Th. 4, s. 520): Est vero naturaliter, moraliter et divino jure cum recta fide tenendum, Principatum Romani Pontificis esse verum, unicum, immediatum Principatum totius orbis, nedum quoad spiritualia, sed quoad temporalia; et principatum imperialem esse ab ipso dependentem et mediatum, ministerialem et instrumentalem, eidem subministrantem et deservientem, foreque ab eo ordinatum et institutum, et ad jussum Principatus papalis mobilem, revocabilem, corrigibilem et punibilem. Especially remarkable in this point of view is the reprimand received by an imperial ambassador in the Papal consistory, A. D. 1473; see Jan. Volaterrani, Diarium Romanum in Muratorii Scriptt. Rer. Ital. xxiii. p. 94: Thomas quidam, vir acris ingenii, quum Imperatoris Federici nomine assumi ad dignitatem Cardinalatus Dominicum Episcopum Brixiensem contenderet, eamque ob causam postulato Senatu ac dato fervidius loqueretur, saepe inter agendum Monarcham orbis Imperatorem appellabat. Tum Cardinalis Rotomagensis, qui etiam causae Dominici minus favebat, paulo commotior factus: *male, inquit, agis, Thoma; non tuus Imperator, sed hic noster Pontifex Monarcha est orbis: pati non possum, Romanae amplitudini detraxi.* Tum ille: *non omnium, inquit, Monarcham Imperatorem ajo; temporalium tantum intelligo.* Et Rotomagensis: *nec temporalium quoque illi est Monarchia: jure divino et pontificio tota Romani est Praesulis.* Idem qui ex Patribus jus didicere, uno judicio confirmarunt.



episcopal power;<sup>15</sup> he stood above councils, which derived their authority from him alone;<sup>16</sup> he was the lawgiver of the faith, and

<sup>15</sup> Jo. de Turrecremata, Summa de Ecclesia, ii. c. 32: solus Petrus inter Apostolos immediate a Christo factus et ordinatus fuit Episcopus:—alii vero Apostoli a Petro mediate, vel immediate, solo, vel cum alio, vel cum aliis sunt Episcopi facti vel ordinati. C. 54: dicimus cum s. Thoma,—quod tota jurisdictionis potestas aliorum Praelatorum de lege communi derivatur a Papa.—Apostoli alii—non susceperunt potestatem jurisdictionis immediate a Christo, sed mediante Petro. Ergo sequitur, quod etiam nunc Praelati, qui sunt in Ecclesia, jurisdictionis potestatem suscipiant immediate a Papa, et non a Christo, C. 65: Romanus Pontifex immediatus Praelatus et iudex est omnium Christianorum, potestque facere in toto orbe terrarum, quicquid inferiores Praelati agere possunt.—In quocumque ordine quando tota potestas inferiorum dependet et originatur a potestate superioris, ad quaecumque se potest extendere potestas inferiorum, ad omnia illa se potest extendere immediate potestas superioris: sed potestas jurisdictionis, de qua est sermo, omnium aliorum Praelatorum in Ecclesia a potestate Papae derivatur; ergo sequitur, quod summus Pontifex potest in toto orbe omnia facere immediate, quaecumque possunt alii Praelati. Thom. Cajetanus, De Auct. Papae et Conc. c. 3 (Rocaberti XIX. p. 449): In Petro et a Petro inchoat omnis Ecclesiae potestas, et derivatur in totam Ecclesiam via ordinaria.

<sup>16</sup> Jo. de Turrecremata, ii. c. 80: Romanus Pontifex superior, ac major jurisdictionis auctoritate est tota ipsa residua universali Ecclesia.—Omnis pastor—superior est grege, cujus est pastor, sed Rom. Pont. est pastor Ecclesiae universalis, ergo ipse est—superior universali Ecclesia. Lib. iii. c. 28: universaliter Conciliorum auctoritas a Rom. Pont. pendet et emanat. C. 32: ea, quae in universalibus Conciliis statuuntur, sententiantur, aut definiuntur, aut interpretantur, auctoritate Romani Pontificis principaliter regulariter fiunt. C. 44: Rom. Pontifex superior est jurisdictionis auctoritate universali Concilio. C. 47: appellare non licet a Romano Pontifice ad Concilium universale, sed magis e converso, puta a sententia Concilii, quam Apostolica sedes nondum approbavit, ad Papam licet appellare. C. 51: Rom. Pontifex nec ligatur, nec subjicitur necessitate quorumcunque Conciliorum,—nec universalium statutis, legibus, aut canonibus, quae sub juris positivi genere comprehenduntur. C. 55: Rom. Pontifex non solum auctoritatem in canonibus sacrorum Conciliorum, etiam universalium, et decretis suorum praedecessorum dispensandi habet, verum etiam tollendi, aut revocandi, aut mutandi, prout temporum aut causarum necessitas exposcit. C. 62: Quemadmodum ad Romanum Pontificem, ut ad Ecclesiae Principem, pertinet, Concilia universalis, si bene processerint, approbatione et auctoritate sua confirmando honorare; ita ipsius est, ea Concilia quae in perniciem fidei, aut totius Ecclesiae perturbationem celebrata reperta fuerint, corrigere, reprobare, ac cassare, ea, quae minus juste, minusque bene acta sunt, retractando et condemnando. Thom. Cajetanus, De Auct. Papae et Concilii, c. 7 ss. (Rocaberti, xix. p. 455), c. 20, p. 474, it was allowed—quod Papa factus haereticus subest potestati ministeriali Ecclesiae, et non auctoritativae super Papam; on the other hand, c. 24, p. 482 ss., it was resolutely denied, quod Papa propter incorrigibilitatem in quocumque notorio crimine scandalizante Ecclesiam subjiciatur Concilii potestati, ita quod possit deponi: viz. because, c. 26, p. 487, it was written in Matth. xviii., quod pes, manus, vel oculus, non tamen caput scandalizans amputaretur. Apologiae, P. I. c. i. (l. c. p. 494): Natura ecclesiastici regiminis ab ipsa sua nativitate est, non ut in communitate ad unum vel plures derivetur, quemadmodum accidit in regimine civili humano; sed ut in uno certo Principe suapte natura sit. Et cum Princeps iste unus atque idem Dominus Jesus heri, hodie, et in saecula vivat et regnet; secundum naturalis juris consequentiam oportet, ut ad ipsum Principem, non ad communitatem Ecclesiae spectet in sua absentia ordinare de Vicario, non communitatis Ecclesiae, quae utpote *serva nata* principandi jure caret, sed ipsius Principis, naturalis Domini communitatis Ecclesiae. Et hoc ipsum Salvator noster per semetipsum exequi dignatus est, dum Petrum Apostolum solum instituit suum Vicarium post resurrectionem, antequam coelos ascenderet, ut patet Joan. ult.

infallible.<sup>17</sup> The excitement of controversy and venal flattery led

<sup>17</sup> Jo. de Turrecremata, ii. c. 107: Ad Romani Pontificis auctoritatem spectat, tanquam ad generalem totius orbis principalem magistrum et doctorem, determinare ea, quae fidei sunt, et per consequens edere symbolum fidei, sacrae Scripturae interpretari sensus, et doctorum singulorum dicta ad fidem spectantia approbare vel reprobare. C. 109: tanta soliditate veritatis apostolicum thronum clementia Divinitatis firmaverat, quod iudicium ejus in his, quae fidei sunt, errare a veritati non possit. Decebat sane ut sedes illa, quae superni dispositione Concilii magistra fide, et cardo omnium instituebatur Ecclesiarum, in his, quae fidei sunt, hominumque necessaria saluti, ab ipso omnium auctore Deo,—hoc singulari infallibilitatis munere donaretur. In cujus rei sacramentum primo illius sedis Pontifici—nomen firmitatis imponitur, scil. Petrus, quod Syra lingua rupes interpretatur. C. 112: Ubi—bene advertendum, quod non dicitur, quod Papa errare non possit, aut male sentire aut iudicare in his, quae fidei sunt;—sed dicitur, quod sententia, quam in iudicio Rom. Pontifex profert in his, quae fidei sunt, errare non possit, aut quod sedis Apostolicae iudicium, quod idem est, errare non possit.—Sedis autem Apostolicae—sententia in iudicio prolata a Rom. Pontifice intelligitur, non quae occulte, malitiose, aut inconsulte per solum Rom. Pontificem, aut etiam quae per ipsum cum paucis sibi faventibus, aliis in fraudem contemptis sive non vocatis, ad partem profertur; sed quae a Rom. Pontifice cum maturo et gravi virorum sapientum, et maxime dominorum Cardinalium primo Concilio digesta et maturata sancitur et profertur. Lib. iii. c. 58: On the question, utrum universale Concilium in his, quae fidei sunt, errare possit? Ad quam questionem nobis videtur sub distinctione respondendum. De Concilio universali loqui possumus dupliciter: uno modo de Concilio universali plenario, plenarium autem Concilium dicimus, in quo cum Ecclesiae patribus Romanus Pontifex eorum caput—concurrit.—Secundo modo loqui possumus de Concilio, prout dicitur corpus tantum patrum, distinctum a capite suo Romano Pontifice. Si primo modo loquamur de Concilio, fit ista conclusio: Concilium universale in his, quae ad fidem pertinent, errare non potest, quae tam patrum Ecclesiae, quam Romani Pontificis unanimi consensu definita sunt.—Apostolicae sedis iudicium in his, quae fidei sunt, errare non potest; ergo nec Concilium universale, in quo Apostolicae sedis intervenit, sive concurrat auctoritas et consensus.—But, on the hand, Concilium universale non interveniente consensu et approbatione Apostolicae sedis errare potest in his, quae fidei sunt.—Phantasia stulta eorum, qui omni Concilio non errandi gratiam quasi essentialiter inesse affirmant, cum tam ex Evangelio, quam ex actibus Apostolorum, et gestis antiquorum Conciliorum manifeste oppositum habeatur. Dominicus Venetus (see note 12), de Cardinalium legitima creatione (published at the end of Marci Ant. de Dominis De Republ. Eccl. P. i.), Propos. vii.: Universale Concilium legitime congregatum, et auctoritate Romani Pontificis confirmatum, in se et decretis suis universalem Ecclesiam repraesentat: et id, quod facit aut determinat cum tali approbatione et consensu Maximi Pontificis, tenendum est ratum et firmum, ac si universalis Ecclesia determinaret, quae non permittitur a Deo errare in fide, nec in determinando ea, quae ad bene vivendum pertinent.—Haec autem infallibilis regula non est Concilium, etiam legitime congregatum.—Nam multa Concilia errasse leguntur;—Ephesina secunda universalis fuit, et legitime congregata, utpote auctoritate Leonis Max. Pont. et pro justa causa, utpote pro damnatione haeresis: quae tamen errasse legitur.—In cujus correctionem Synodus Chalced. convocata est ejusdem Leonis auctoritate; et hoc quia non requiritur solum auctoritas Rom. Pontificis in congregando, sed etiam in definita et sancita approbando.—Similiter etiam nec Papa solus est illa regula infallibilis, quia aliqui errasse leguntur in fide, ut patet de Liberio, et de Anastasio secundo, qui communicavit Acacio haeretico, ideo percussus est a Deo (evidently a mistake for the Emperor Anastasius): ergo infallibilis regula erit Papa, adhibito debito consilio peritorum; a fortiori ergo si cum generali Concilio, quod pro arduis causis congregatur, quia difficiliter errant plures, quam pauci. Thom. Cajetanus, De Auctor. Papae et Concilii, c. 9 (Rocaberti, xix. p. 460): Magis potest errare communitas Ecclesiae sine auctoritate Papae, quam Papa. Et ratio est, quia error Papae in definitiva sententia fidei est error totius Ecclesiae,—quia ad ipsum

on so far, that many persons exalted the *donatio Constantini*, denied by Laurentius Valla, into a *restitutio*,<sup>18</sup> and hailed the Pope as a god on earth.<sup>19</sup>

Each of these systems declared the opposite view to be a pernicious error; but the imminent danger of an irremediable schism hindered these condemnations from being recklessly carried into effect. Besides, a peculiar embarrassment was at hand for the popes, from the fact that they were obliged to regard the Council of Constance as œcumenical, in order to prove the validity of

spectat determinare finaliter de fide quid tenendum, et quid repellendum.—Impossibile est autem universalem Ecclesiam errare in fide, ergo impossibile est, Papam in iudicio definitivo auctoritative errare in fide.—Papa in hujusmodi iudicio est rectissimus propter assistentiam Spiritus Sancti.

<sup>18</sup> Antonini Summa Historialis Pars i. Tit. 8, c. 2, § 8: Quæstio adhuc agitur inter Canonistas et Legistas, utrum illa tenerit donatio. Quod Canonistæ omnino firmant, et Theologi magis confirmant eo quia non fuit simplex donatio, sed potius restitutio Ecclesie facta juris sui, cum omnia sint de Christi dominio, cujus Papa est vicarius in terris: caetera vero dimisit dominis temporalibus. Jo. Major (see note 2), Comm. in Matth. c. 16, in Gersonii Opp. ed. du Pin, ii. p. 1158: Quæritur, an Constantinus contulerit justum titulum Pontifici in terris, quæ nunc vocantur Ecclesie. Est hic modus dicendi: aliqui volunt, quod nunquam ei dedit terras in Italia, nec Romanam urbem; aliquibus placet, quod nec dare poterat Italiam, sive istas terras quæ dicuntur Ecclesie; alii tenentes, Pontificem habere dominium tam in spiritualibus, quam in temporalibus, dicunt, quod nihil dedit, sed solum detentum injuste restituit. He maintained, on the other hand: Ecclesia licite cepit, and, Constantinus M. licite multa contulit Ecclesiis, thus, Rom. Pont. juste possidet. It is worthy of note, that the Cardinal Bernardinus Carvajal, Card. S. Crucis, who stood at the head of the cardinals that forsook Julius II. and summoned the Council of Pisa in 1511, had formerly written in defense of this *Restitutio*: Jo. Boutzbachius (Prior in the Monastery of Laach near Andernach) writes of him in the year 1511, in his Auctarium in librum Jo. Trithemii de Scriptoribus ecclesiasticis (MS. in the library of the University of Bonn): Scripsit quidem præclara opera, e quibus unum exstat, quod mihi dudum innotuit contra Laurentium Vallam et alios, qui vesana sua loquacitate audent latrare in summum Christi Vicarium et a Romanam Ecclesiam, quasi non vera, sed falsa et conficta sit donatio Constantini Imperatoris. In quo quidem prægrandi volumine omnem istorum assertionem ita subnervavit, ut non tantum veram, sed quod magis est, legitimam et debitam restitutionem potius quam donationem fuisse probet. Omnem itaque bestialem Laurentii invectionem elidens scripsit contra eundem: De restitutione Constantini l. I.

<sup>19</sup> Gersonii Circa Materiam Excommunicationum Resolutio, Consideratio xi. (Opp. ii. p. 424): Contemptus clavium—non incurritur, dum in præmissis casibus dicit aliquis—juxta conscientiam suam, quod hujusmodi sententiæ non sunt timendæ, et hoc præsertim si observetur informatio seu cautela debita, ne sequatur scandalum pusillorum, qui aestimant Papam esse unum Deum, qui habet potestatem omnem in coelo et in terra. Compare the passage of Rodericus Sancius above, note 11. Christophorus Marcellus thus addresses Julius II. in a speech delivered before the Lateran Council in the fourth session, 10th December, 1512 (Labbei et Cossartii Concilia, xiv. p. 109): Hinc merito conquiri potest Ecclesia.—His lamentationibus et querimoniis ad tuos sanctissimos devoluta pedes in hunc modum opem humiliter implorare videtur:—Tua sub ditione defensa sum.—Ad te igitur supplex tanquam ad verum principem, protectorem, Petrum et sponsum accedo.—Cura, pater beatissime, ut sponsæ tuæ forma decorque redeat et pulcritudo.—Tu enim pastor, tu medicus, tu gubernator, tu cultor, tu denique alter Deus in terris.

their own succession; and yet they were compelled to reject its fundamental principles, which were the groundwork of the Gallican system. For this reason they greatly preferred to pass over the unpleasant decrees of Constance in silence:<sup>20</sup> when they were forced to speak, they helped themselves by evasive interpretations; many of their adherents did not shrink from a downright denial of the validity of these decrees.<sup>21</sup>

Since this controversy had its root in the hierarchy, the secular power thereby regained such ascendancy in the different countries that it principally depended upon this power which system should prevail.<sup>22</sup> But the temporal governments allowed themselves to be principally swayed by political aims in their demeanor toward the Pope. While in France the principles of the Papal system, when they were made prominent, were immediately condemned by the Parliament and the University of Paris,<sup>23</sup> in other coun-

<sup>20</sup> Paul Sarpi, in a letter to Leschasser (in *Le Bret's Magazin für Staaten- u. Kirchengesch.* Th. 2, s. 324), speaks emphatically in the name of the Curia: *Concilium Constantiense neque probari, neque emendari inter arcana habemus.*

<sup>21</sup> Jo. de Turrecremata *Summa*, li. c. 99 (Rocaberti, xiii. p. 426), sets aside the conclusions drawn from the decrees of Constance and Basle for the statement—*Concilium generale potestatem a Christo habere immediate.* With reference to the decree of Constance Sess. V. (see § 181, note 8), in which this statement was expressly maintained, he first remarks: *Ecce manifeste, quod decretum illorem Patrum non loquitur universaliter de qualibet Synodo universaliter, sed de illa singulariter, pro cujus tempore non erat in Ecclesia unus pastor totius Ecclesiae indubitatus;* but also, apart from this, he holds that that decree was not binding (*non habet necessitatem*): because, *Decreta illa si ita sunt appellanda, facta sunt solum a Patribus aliquibus obedientiae Johannis XXIII.* The Council of Constance did not become universal until the three obediences were united. Besides, *praefatum decretum Constantiense non militat, quoniam per Apostolicam sedem non fuit approbatum, immo videtur per Dominum Martinum reprobatum, sive annullatum in condemnatione erroris Joannis Vicleff et Joannis Hus, inter quos—unus articulus condemnatus est: quod Petrus non est nec fuit caput Ecclesiae sanctae catholicae.* In like manner, cap. 100, he proves the corresponding decrees of Basle to be invalid. The argument drawn from the confirmation of them by Eugene IV. (see § 132, note 17) he disposes of thus, *quod praefatae bullae magis extortae fuerunt minis, quam de mente Domini Eugenii emanaverint.* But independently of this, nihil eorum, quae in praefatis bullis continentur, suffragatur adversariis, quoniam Dominus Eugenius numquam praebuit consensum decretis Concilii Basileensis. Compare his *Responsio de summi Pont. et gen. Concilii Potestate*, l. c. p. 578. In like manner Cajetanus *De Auct. Papae et Conc.* c. 8 (Rocaberti, xix. p. 456), denies the validity of the decrees of Constance, and seeks to prove that the confirmation by Martin V. (see § 181, note 24), did not extend to the decrees of the fourth and fifth session. Compare *Apologiae*, P. ii. c. 11. (l. c. p. 508).

<sup>22</sup> See Aeneas Sylvii Ep. 54, above, § 182, note 42.

<sup>23</sup> The mendicant monks in particular, the natural adherents of the Papal system from the peculiar relations of their order, drew upon themselves such censures. Thus the Dominican, Johannes Sarrazin, in the year 1429, was obliged to recant the following statements (*d'Argentré Collectio Judiciorum de Novis Erroribus*, I. ii. p. 227): *Omnes potestates jurisdictionis Ecclesiae—sunt ab ipso Papa quantum ad institutionem et colla-*

tries the same fate befell the opposite doctrines of the Gallican system.<sup>24</sup> And if, from the side of France and Germany, humiliating demands were not unfrequently made upon the popes, Spain and Portugal found it for their interest to receive from them the right of possession to the countries which they had conquered, and which were for the most part newly discovered;<sup>25</sup> thus con-

tionem. Hujusmodi potestates non sunt de jure divino, nec immediate institutae a Deo.—Quandocumque in aliquo Concilio aliqua instituuntur, tota auctoritas dans vigorem statutis in solo summo residet Pontificio.—Summus Pontifex canonicam simoniam a jure positivo prohibitam non potest committere. The Augustin, Nicolaus Quadrigarius, 1442, had to revoke the statement (l. c. p. 240): sola Papae potestas in tota Ecclesia immediate est a Christo. The Franciscan, Joannes Angeli, in February, 1483, the assertions (l. c. p. 305): Papa posset totum jus canonicum destruere et novum construere.—Papa posset ab uno Ecclesiastico tollere medietatem reddituum beneficiorum suorum et uni alteri dare, non exprimendo aliquam causam. Quicumque contradicit voluntati Papae, paganizat, et sententiam excommunicationis incurrit ipso facto: et a nullo Papa reprehendi potest, nisi in materia haeresis.

<sup>24</sup> Thus an assembly of divines and canon-lawyers, convoked by the Archbishop of Toledo at Complutum, in 1479, condemned the following propositions among others, which Petrus de Osma, a Doctor from Paris who lectured at Salamanca, had published in a *Libellus Confessionis* (Barth. Caranza *Summa Conciliorum*, Duaci, 1659. 8, p. 660): VII. quod Ecclesia urbis Romae errare potest. VIII. quod Papa non potest dispensare in statutis universalis Ecclesiae (similarly Gerson *De Modis uniendo ac reformandi Ecclesiam* c. 9; see above, § 181, note 1. Jac. Almaini *Expositio circa Doctrinam M. Occami* c. 12, in Gersonii *Opp.* ed du Pin, ii. p. 1055). In the bull with which Sixtus IV. confirms this decision (in Raynald. 1479, no. 82, complete in de Aguirre *Concill. Hispaniae*, v. p. 353 ss.), Prop. VII. is not to be found: it is, however, sufficient that in Spain it was considered worthy of condemnation. The theological faculty at Vienna, in the year 1492, accused one of its members, Johannes Kaltenmarkter, before Pope Innocent VIII., for having taught: Concilium esse supra Papam; Papam non posse revocare per Concilium generale conclusum; Romanum Pontificem non posse dare licentiam Parochianis quibuscumque, ut alteri, quam proprio sacerdoti Curato libere confiteantur; Papam non posse dare generalem potestatem audiendi confessiones: Kaltenmarkter had to make his appearance in Rome, undergo a penance imposed upon him, and afterward recant his assertions at Vienna: see the extracts from the proceedings, printed in 1493, in (Dietrich) *Auctarium Catalogi Testium Veritatis*, p. 260.; cf. Mitterdorfferi *Conspectus Hist. Univ. Viennensis Saec. ii. Viennae*, 1724. 8, p. 54 ss.; Hansizii *Germ. Sacra*, t. i. p. 597.

<sup>25</sup> See the letter of Nicolas V. to Alphonso, king of Portugal, A.D. 1452 (Raynald. ad h. a. no. 11): tibi Saracenos et Paganos, aliosque infideles et Christi inimicos quoscumque, et ubicumque constitutos, regna, ducatus,—aliaque dominia, terras,—et quaecumque alia—bona mobilia et immobilia—per eosdem—possessa—invadendi—et subjugandi, illorum personas in perpetuam servitutem redigendi, regna quoque,—aliaque dominia—et bona hujusmodi tibi et successoribus tuis, Regibus Portugalliae, perpetuo applicandi—plenam et liberam auctoritate apostolica tenore praesentium concedimus facultatem. With reference thereto Nicolas V., in 1454, granted to the King the new discoveries on the west coast of Africa as his own domain (Raynald. ad h. a. no. 9): de apostolicae potestatis plenitudine literas facultatis praefatas—ad Ceptensem et praedicta et quaecumque alia, etiam ante datam dictarum facultatem literarum acquisita, et ea quae in posterum nomine—Alfonsi Regis suorumque successorum in ipsis—et ulterioribus—partibus de infidelium—manibus acquiri poterunt,—sub ejusdem facultatis literis contineri praelibatis,—ipsamque conquestam, quam a capitibus de Bonador et de Nam usque per totam Ghineam—extendi harum serie declaramus, etiam ad ipsos Alfonsum Regem,

ceding to the Papal See its loftiest pretensions. On the whole, then, the Pope, both on account of his spiritual sway over men's minds and his temporal dominions in Italy, at that time the apple of discord to the most powerful monarchs, was of so great importance that all princes necessarily attached great value to his friendship, and that even a King of France was ready to sacrifice for it the welfare of his National Church.<sup>26</sup> These political connections now constituted the strongest hold of the Papal See;<sup>27</sup>

*praedecessores suos ac infantem—spectasse—et in perpetuum spectare,—decernimus et declaramus: ac pro potioris juris et cautelae suffragio jam acquisita et quae in posterum acquiri contigerit provincias—praedictis Alfonso Regi ac successoribus—perpetuo donamus, concedimus, et appropriamus per praesentes. Alexander VI., dd. v. non. Maji 1493 (in Raynald. h. a. no. 18), granted the newly discovered regions of America to Ferdinand and Isabella, sovereigns of Spain, quite in the same form, and defined this grant more accurately in a letter to them on the same day (l. c. no. 19): de nostra mera liberalitate, et ex certa scientia ac de apostolicae potestatis plenitudine omnes insulas et terras firmas inventas et invenendas,—fabricando et construendo unam lineam a polo arctico—ad polum antarcticum,—quae linea distet a qualibet insularum, quae vulgariter nuncupantur de los Azores y cabo Verde, centum leucis versus occidentem et meridiem, ita quod omnes insulae et terrae firmae repertae et repertiendae—a praefata linea versus occidentem et meridiem, quae per alium Regem aut Principem Christianum non fuerint actualiter possessae,—auctoritate omnipotentis Dei nobis in b. Petro concessa, ac vicariatus Jesu Christi, qua fungimur in terris, cum omnibus illarum dominiis, civitatibus,—juribusque et jurisdictionibus, ac pertinentiis universis vobis haeredibusque—vestris—in perpetuum tenore praesentium donamus, concedimus, assignamus. As early as 1494 Ferdinand conceded to the King of Portugal that this line should be drawn 360 leagues westward of the Azores instead of 100.*

<sup>26</sup> See § 135, note 18 and 20.

<sup>27</sup> Compare especially the disquisition of the Florentine Franc. Guicciardini († 1540), on the origin of the secular power of the popes, in the fourth book of his Italian History, which has been omitted in the editions of this work, but printed in Goldasti *Monarchia*, iii. p. 17 ss., and in Conringii *Opp.* i. p. 113. At the end of this disquisition is the following passage: *His igitur fundamentis et modis ad terrenam potentiam elati, ac sensim animarum salutis, divinarumque praeceptorum obliti, atque ad mundana imperia omni cogitatione conversi, nec divina auctoritate alio quam quasi telo et instrumento rerum fragilium abutentes, Principes potius gentium, quam rerum sacrarum Pontifices videri coeperunt. Horum curae et negotia non jam vitae sanctimonia, non religionis incrementa, non erga Deum et homines caritas, sed exercitus, sed bella in Christianos, cogitatione et manibus sanguine respersis sacra tractantes: sed pecuniae immensa cupido, novae leges, novae artes, novae insidiae ad pecuniam undique congendam. In hunc finem audacissime arma coelestia vibrare, profanarum sacrarumque rerum nundinationem impudentissime exercere: hinc opes in immensum aductae, et in totam ipsorum aulam effusae, ex quibus fastus, luxus, mores turpissimi, libidines, voluptatesque nefandae: nulla de successoribus cura, nulla majestatis perpetuae Pontificatus sollicitudo; sed horum loco cupido anxia et pestifera, filios, nepotes, item alios sibi conjunctos et necessarios non modo ad opes immoderatas, verumetiam ad regna et imperia evehendi: non jam honores et emolumenta in merentes et bonos conferendo, sed plerumque auctionando, aut in homines ambitione, avaritia, et pudendis voluptatibus perditos effundendo. His moribus effectum est, ut excussa penitus ex animis hominum illa veteri erga Pontifices reverentia, tamen ex parte eorum auctoritas religionis, qua nihil in terris ad homines vel impellendos vel retinendos potentius invenitur, nomine et majestate, facultate qua pollent Principibus atque illis, qui apud illos maxime possunt, sacris bene-*

and so it became the aim of Papal policy to win the support of the temporal princes against the encroachments of the ecclesiastical aristocracy.

True, the devotion of the nations to the Papacy had not now for a long time rested, as it had done in the period of the crusades, upon religious enthusiasm, but only upon custom. However, even this would hardly have been destroyed by all the theories, had not the immorality of the curia, its avarice, its venality, and injustice, so greatly injured the common weal, and outraged moral sentiment.<sup>28</sup> The more closely any nation was brought

ficiis et honoribus conferendis gratificandi adjuta sustentetur. Qui cum sciant magna se in admiratione mortalium esse, et qui adversus eos arma sumunt, eos gravis infamiae notam, et saepenumero aliorum Principum odia subire, ac quomodocunque res cadat, perexiguum emolumentum ad eos, a quibus oppugnantur, redundare, et victores ex suo arbitrio victoria usuros, victos quibus velint conditionibus pacem habituros; ad haec suos propinquos ex privata conditione ad Principatus attollendi cupidine inflammati, jam per multos annos bellorum auctores, novorumque incendiorum faces in Italia extiterunt.

<sup>28</sup> Among the numerous testimonies of this age, compare the expressions of the ambassador of the German Order at Rome, § 131, note 30: Martini Meyeri Epist. ad Aen. Sylv. § 133, note 17; Aeneae Sylvii Epist. 66, ad Jo. Peregallum, § 133, note 18. Also Gravamina nationis Germanicae adv. Curiam Romanam Joanni Card. S. Angeli Nicolai V. P. R. Legato Exhibita (about 1451), in Walchii Monumenta Medii Aevi, fasc. i. p. 101 ss.:—dictus Dominus Cardinalis Legatus venit ad reformandum nationem Almanicam, tam saeculares, quam spirituales personas.—Si reformatio debeat esse regularis et ordinaria, oportet ante omnia, quod noster Papa et sua Romana Curia prima et principaliter reformetur, propter multos excessus multasque exorbitantias, quae per eum et suos Cardinales per illam execrabilem et maledictam simoniam quotidie committuntur in vendendo ecclesiastica beneficia.—In taxationibus etiam literarum apostolicarum expediendarum esset Dominus Papa reformandus.—Item Dominus Apostolicus omni die insatiabili desiderio cogitat cum suis, quomodo totam substantiam nationis Germanicae sibi valeat acquirere.—Item Curia Romana in multis est reformanda. Nam Cardinales superbe, pompose, centum, sexaginta, vel septuaginta equis palatium ingrediuntur.—Quidam etiam de Cardinalibus habent tres Ecclesias metropolitanas et cathedrales in commendam, decem Abbatias, sex Praeposituras et Archidiaconatus, et privatas quatuor Ecclesias parochiales. Non curant, quot monachi in monasterio sint;—totam substantiam monasterii tollunt.—Item in curia Romana sunt publici usurarii, bancarii et campores, cum quibus Papa et Cardinales habent pecuniam, cum damno vel lucro, Deus novit. Sunt etiam ibi publici fornicarii, concubinarii, ruffones, et lenones, et plures alii peccatores de familiaribus Cardinalium, et peccatrices publicae plures. Et Papa tolerat istos, etc.—Modo emittit Cardinalem, qui ut residuum de substantiis nostris habeat, et pauperes Christi per positionem cistarum spoliat, indulgentias anni jubilaei sub pacto vendendo.—Et ille idem Legatus introductus sub modo et specie reformationis, volens sic reformare Clericos, pauperes, pistores, carnifices, culinarios: certe si Dominus Apostolicus et sua Curia se reformaret, vel per Concilium generale fieret reformatio generalis, facile membrum Ecclesiae unumquodque in suo statu reformaretur. Felix Hemmerlin's (Dean of the great minster at Zurich, † before 1464; see, with regard to him, Müller's Schweizergesch., neue Auf. 1826, Th. 4, s. 276 ff.) expressions may be seen in Müller, *ibid.* s. 257 ff. Baptista Mantuanus (Carmelite monk in Mantua, † 1516), *De horum Temporum Calamitatibus*, lib. iii.:

— — Petrique domus polluta fluenti  
Marcescit luxa: nulla hic arcana revelo,

into connection with the doings of the popes and their court, the lower sank their feeling of reverence toward the Pope; and in Italy itself, although the Papal system seemed there to reign supreme, nevertheless the Pope's excommunication was least regarded.<sup>29</sup>

Accordingly, their most faithful councilors recommended to the popes an abatement of their oppressions, and a reform of the abuses prevailing at their court; and the whole of the fifteenth century was pervaded by a strong feeling that, if there was here no change from above downward, there would be a compulsory reformation rising upward from below, not effected without vio-

Non ignota loquor, liceat vulgata referre,  
Sic urbes populique ferunt:— —  
— — — ea fama per omnem  
Jam vetus Europam mores extirpat honestos:  
Sanctus ager scurris, venerabilis ara cinaedis  
Servit, honorandae Divum Ganymedibus aedes.—  
— — — venalia nobis  
Templa, Sacerdotes, altaria, sacra, coronae,  
Ignes, thura, preces: caelum est venale Deusque.

*Ejusd. Epigrammata ad Falconem. Colloquium inopum de Falcone:*

Obtinet expulsa probitate pecunia Romam,  
Nec Deus in tota possidet urbe locum.  
Quot sunt Romae homines, tot eunt per compita fures;  
Quosve canes speras, experiere lupos.—  
Omnibus esse lupos licet in regione luporum,  
Inter Pygmaeos non pudet esse brevem.

Johannis Episc. Chemensis (Bishop of Chiemsee in Carniola) Onus Ecclesiae (written 1519), cap. 19, De indispositione Romanae Curiae, § 6: Inprimis sedes bestiae, i. e. Ecclesiae perversae, est in curia Romana, cujus regnum est tenebrosum. § 8: Heu sicut olim in Romano imperio, sic hodie in Romana Curia est vorago divitiarum turpissima: crevit avaritia, perit lex a sacerdote ac visio de Propheta, et consilium a senloribus: claves Ecclesiae sunt in abusu et servitute simoniae et ambitionis. Vitia enim ferme Curialium celari negarique vix possunt: Roma quasi gurgis flagitiorum. § 18: Ecce Roma nunc est vorago et Mammon inferni, ubi Diabolus totius avaritiae Capitaneus residet, vendens patrimonium Christi, quod sua passione promeruit, qui nobis praecipit, ut gratis demus quod gratis acceperimus. Id modo versum est in proverbium: Curia Romana non petit ovem sine lana: dantes exaudit, non dantibus ostia claudit. Ludovicus Tubero (see § 134, note 16), Comm. de Temporibus suis i. § 16: solos falsarios hoc corruptissimo tempore sedes Apostolica ultimo supplicio afficit, in caeteris connivere solet: eo quod falsi crimen, quum Pontificum, quorum omnis in comparandis duntaxat pecuniis cura fixa est, deterat emolumenta, capitale putatur.

<sup>29</sup> See the report of the ambassador of the German Order to the Grand Master, A. D. 1429 (Raumer's Hist. Taschenbuch, f. 1833, s. 175): furchtet Euch nur etwa nicht vor dem Banne, der Teufel ist so hässiglich nicht, als man ihn oft malet, auch der Bann nicht so gross, als ihn uns die Päpste machen. In Welschland furchten auch Herren und Fürsten und Städte, die doch unter dem Papste gelegen sind, den Bann ausser Recht gar nicht weiter, und man hält in Welschland nichts mehr vom Papste, als insofern er es mit ihnen wohl will, und anders nicht. Nur wir armen Deutschen lassen uns noch dünken, dass er ein irdischer Gott sey; besser wir liessen uns dünken, dass er ein irdischer Teufel wäre, als er es fürwahr auch ist.—And A. D. 1480, s. 176: Wenn Euch der



lence and schism.<sup>30</sup> But at the same time, the conviction that Rome would not concede so great a reformation, and that neither the ecclesiastical aristocracy nor the temporal princes would be able to enforce it, from the want of union among themselves, was firmly established by the events of this period.<sup>31</sup>

Papst mit dem Banne hart entgegen seyn wollte, so bedenket nur, wer mit Prälaten und Pfaffen zu schaffen haben will, der muss sich zuweilen des Bannes erwagen : aber habet zu ungerechtem Banne nur guten Muth, und lasset Land und Leute um solches Bannes willen nicht verderben.

<sup>30</sup> See Petri de Alliaco praef. ad Canones Reformandi Ecclesiam, § 131, note 13. Juliani Card. Epist. ad Eugen. IV. § 132, note 6. Andreae Megarensis Gubernac. Conciliorum, § 132, note 19. Remedium contra Gravam. nationis Germ., § 135, note 15. Johannis Episc. Chemensis Onus Ecclesiae (see note 28), cap. 19, § 14: Quamobrem vehementer praesumendum est, ac provide est timendum, propinquam nunc esse ruinam Ecclesiae latinae circa dignitatem ecclesiasticam, quoniam debile fundamentum ruinam causat. Unde columna Dei viventis jam pene videtur nutare, et sagena summi piscatoris, scil. Petri, procellis intumescens cogitur in naufragii profunda submergi: quod nemo percipit corde, neque ad praedictas revelationes et avisiones fit cujuspiam emendatio, sed singuli Pontifices, tam summi quam inferiores, carnalia sequentes, exhibent se magis mixti Antichristi praecursores, quam veri Christi fideles servitores.

<sup>31</sup> That Rome in her reformations had no other aim than to deceive, is declared most undisguisedly in the Papal instructions in Raynald. 1486, no. 15; see above, § 132, note 30, toward the end. Petrus de Alliaco, De Diffie. Reform. c. iii., see § 130, note 12. Gerson, De Modis Uniendi ac Reformandi Ecclesiam, c. xii., see § 131, note 1. Gobelinus Persona, see § 131, note 25. Julianus Card. Legatus in Conc. Bas., see § 132, note 6. Jo. Nider, see § 132, note 88. Jacobi de Paradiso or Jac. Junterburgii (Carthusian and Doctor of Divinity at Erfurt † 1465; see, with reference to him, Walchii Monum. Medii Aevi fasc. i. praef. p. lxxv.) Collectaneum de septem Statibus Eccl. (written 1449), in Goldasti Monarchia, ii. p. 1567; in Edw. Brown, Appendix ad Fascic. Rerum expetendarum et fugiendarum, p. 102 ss., and in Walchii Monumenta Medii Aevii, vol. ii. fasc. 2, p. 23 ss. Compare, in Walch, p. 84: Verisimiliter opinabile mihi est, statum praesentem continuandum, imo pejorandum, usque ad sextum statum, scil. Antichristi: cum experientia docente cognoscimus, hos contra niti reformationi generali Ecclesiae, quos magis deceret conatu toto ad reformationem tendere, cupiditate et primatu honorum eos ad hoc impellente. Etsi quandoque coetus Deum timentium reformationi operam dare intendat; tamen in hoc mundo celebres et potentes viros, plus ecclesiasticos quam saeculares, videmus se fortiter opponere, adhaesionem sibi attrahentes Principum et potentum saecularium, quorum multitudo aut potentia scintillam inchoatam extinguit. P. 38: Reformationem generalem Ecclesiae extreme necessariam factam nostris temporibus, mores corrupti totius orbis pronunciant: cum revera pene omnis caro corruerit viam suam. Sed quomodo eam fore possibilem in effectu fieri, nondum est positum ad praxim: licet aliquoties per Concilia generalia sit adtentatum. Et licet quaedam decreta in hunc finem prodierint ab iisdem Conciliis, tamen tanta resistentia altae dignitatis personarum, tam spiritualium quam saecularium, facta est, ut vidimus, quod totum negotium lugemus infectum: et cum tempus pariendi advenisset, vires non habuit parturientes. Tanta denique credulitate debacchati sunt, ut non tantum prolem sanctam, scil. reformationem, necare contendant: sed et matrem, scil. auctoritatem Conciliorum, et eorum convocationem occidant, prout res in prospectu declarat. Per quorum tamen Conciliorum auctoritatem major esset spes ad viam reformationis obtinendam. P. 42: Palpabiliter auctoriter, ipsam summi Pontificis curiam maxima indigere reformatione, sicut omnia clamaverunt ultimo celebrata generalia Concilia. P. 43: Unde mihi vix credibile videtur, posse Ecclesiam generalem reformari, nisi curia Romana fuerit ante reformatam. Quod tamen quam difficile sit, cursus temporum praesentium manifestat: cum nulla

gens aut natio fidelium tantam resistantiam faciat reformationi universali Ecclesiae, sicut natio Italica, et alii eis applaudentes, spe promotionis, aut lucri, aut temporalis commodi, aut timore amissionis dignitatum ligati. Contremiscunt enim solo auditu congregationis generalis Concilii, cum sciant per experientiam, quod Concilia generalia palpare nesciunt, sed corrigere et emendare sine personarum acceptione: cum ibi congregentur de omnibus mundi partibus, qui vitiiis non parcunt, nec amore nec timore seducti.—Praesidentes ex parte Papae Conciliis, quia vident contra dominum suum et contra se negotium Conciliorum disponi, quid aliud agere existimandi sunt, quam ut tota auctoritate decretis Conciliorum obicem ponant, aut per dissolutionem Conciliorum, aut per discordiarum seminacionem: sicque opus totum redditur infectum, ac per hoc itur in antiquam sylvam, scilicet erroris et tenebrarum.—Et ex hoc ortum est vulnus nescio quando curabile contra auctoritatem Conciliorum generalium, ut abscedentibus Papa aut suis praesidentibus a loco Concilii, vel differentia exorta inter patres ejusdem, censeatur Concilium dissolutum, resideatque in persona Papae de plenitudine potestatis auctoritas dissolvendi aut transferendi generalia Concilia, prout Eugenius olim Papa de anno Domini 1437, fecisse comprobatur. Hocque venenum effusum est per eum in Ecclesiam, per adversarios Conciliorum indelebiter observandum,—ad quod refugium habebunt in fulcimentum sui erroris, ut subterfugere valeant correctionem et reformationem: ita ut etiam modernis temporibus frontose aliqui altarum scientiarum viri dogmatizare audeant, in quolibet Papa residere plenitudinem potestatis, non solum super quolibet membro singulari Ecclesiae, sed et super totam Ecclesiam conciliariter congregatam, ad libitum ipsius disponendi, decretandi, dissolvendi, transferendi, corrigendi, et auctorizandi: ut nullus ei audeat dicere: cur ita facis? Et sic totaliter nituntur suffocare auctoritatem Conciliorum. P. 48: Et nisi in futuro Concilio celeri remedio provideatur huic veneno recenter introducto, de auctoritate Conciliorum supra Papam, cujus contrarium dogmatizant aliqui, et maxime de curia Papae et ejusdem assentatores: clarum est quanta inconvenientia inde sequantur. Primo quia datur Papae audacia impune peccandi et disponendi omnia negotia Ecclesiae ad libitum suum. Secundo quia datur subjectis in toto orbe occasio vilipendendi, imo contemnendi omnes constitutiones, ordinationes et mandata Papae.—Tertio sequitur, quod si in antea fieret convocatio Concilii generalis, totius Germaniae Principes et Praelati, Doctores ac Magistri se subducerent a Concilio.—Exinde ludibrio ducerentur Concilia: maxime quia videmus, quod omnia, quae tantis laboribus, impendiis in retroactis Conciliis elaborata sunt, penitus irritantur, et tanquam pulveres ventis obnoxii conculcantur. Fontale vero principium omnium illorum malorum secundum Apostolum est cupiditas, quae sibi vendicat locum pene in omnibus Clericis: quoniam secundum Jeremiam a maximo usque ad minimum omnes avaritiae student. Ad quam satiandem non reperiunt ecclesiastici viri commodiorem opportunitatem, quam in adipiscendis dignitatibus et beneficiis ecclesiasticis. Et haec sentiunt conferri per Papam, qui sibi per haec attrahere consuevit pene totam ecclesiasticorum virorum cohortem. Ideo adhaerentiam copiosam sibi parit per horum provisionem. P. 58: Quid ergo, putamusne, Ecclesiam posse recipere reformationem generalem, et quidem ad hunc statum devenire, ut omnia vitia tollantur ab Ecclesia? Ego judico impossibile humano modo.—Sed est alia reformatio, de qua quaeritur, ut scilicet ea quae sint decolorativa statuum et personarum tam saecularium quam spiritualium ad rectam formam perducantur, ut reformatio pacis inter regna et principes, extirpatio haeresium et schismatum, simoniaca pravitas a Curia Romana et ab omnibus Ecclesiae Praelatis, et concubinariorum repressio, etc.—Et quis omnia enarrare ac enumerare sufficiat, quibus Ecclesia modernis temporibus cernitur deformata? Putamusne haec omnia aliquando posse reformari? Persuaderi mihi videor, quod nec aetas nostra nec futura haec patietur: quum non habeam rationes probantes, quomodo illud fieri possit. Primo propter inveteratam et inolitam consuetudinem, quae difficile curatur: secundo propter potentiam tam in scripturis quam in altis dignitatibus resistantiam: tertio propter avaritiae morbum, qui ubique invaluit, maximeque in altis sedibus, quae nullo modo patientur sibi auferri honorem, fastum, divitiarum et voluptatis amplitudinem. Et qui amplius insistere deberent reformationibus, his pompis amplius delectantur, fingentes ipsas colores sub specie defensionis ecclesiasticae, ut ideo eos oportet

## SECOND CHAPTER.

## HISTORY OF THE HIERARCHY OF THE NATIONAL CHURCHES.

## § 137.

## THEIR RELATION TO THE STATE.

THE secular princes, whose power was continually increasing, began at this time more generally, after the example of France, to reduce the ecclesiastical power within narrower bounds. Not only was it stoutly maintained that the ecclesiastical tribunals should not arrogate to themselves the right of jurisdiction over the secular affairs of laymen;<sup>1</sup> but it already often happened that the sec-

test abundare, ne status eorum vilescat, et ut habeant armatam militiam, qua compescere valeant violentos et bonorum ecclesiasticorum detentores. Et ideo oportet, ut dicunt, eos fulcitos esse pluralitatibus beneficiorum atque dignitatum. P. 62: Aestimo igitur mundum dietim decrescere in pravis moribus—usque ad profundum delictorum, quousque veniat filius perditionis, etc. Joannes Episc. Chemensis Onus Ecclesiae (see note 28) writes likewise, A.D. 1519, cap. 19, § 16: Reformatio vero non fiet, nisi in aliquo generali et libero candidoque Concilio, ubi Spiritui Sancto, non maligno, locus ad spirandum detur. Heu cum formidine conjicio, nostrum saeculum non esse dignum congregatione legitimi Concilii, in quo vitiiis reprehensis et virtutibus promotis Ecclesia reformatur: adeo errorum illudimur operationibus. Concilia profecto debita raro et segniter celebrantur, vel Romae seu alibi coram potentibus tractantur, ubi humilibus et fidelibus non libera est expressio, ut in eis lente corrigantur ea quae divina cultum, et Christianam religionem, reformationemque concernunt.

<sup>1</sup> Remarkable in this respect is the decree of William III., duke of Saxony, which he published in conjunction with his Parliament, *dd. Weissensee Sonntags* (Sunday before Palm Sunday), following the day of the three Holy Kings, 1446 (in Schilter, *De Libertate Ecclesiarum Germaniae*, p. 808 ss., and in Rudolphi's *Gotha Diplomatica*, Th. 1, s. 138 ff.): Item es sint bissher durch dy Inwohner unser Lande vil usslendische Gerichte gesucht, dass den Landen eine Unere u. auch gross Schaden u. mercklich Vorterbernis ist. Nu dem vorbass zu bewarne, so haben wir gesazt u. bestallt, dass vorder me kein Inwohner unser Landen, Herrschafft u. Gebiete niemanden vor kein usslendisch Gericht, es sey geistlich oder wertlich zyhen oder fordern soll umb keinerleyge Sache, wy dy gesy mag. Danne ist eyn Sache geystlich u. gehört billiche vor geistlich Gerichte, so sol der Cleger die vor geistlich Gerichte bringen in unsern Landen, dohen sy gehört, u. sich davor an Rechte genügen, dy Sache auch, do sy angefangen wird, zu Eynde lauffen lassen, und davon an keine fremde Gerichte usswendig unser Lande beruffen.— Ist adir dy Sache wertlich, so sal man dy anbringen und fordern an den wertlichen Stühlen u. Gerichten, darunter der Antworter gesessen ist, und doran dy Sache gebort. Vor denselben Gerichte sal der Cleger syner angevangen Furderunge folgen, als sich das gebört, biss uff Eynde, u. sich davor an Rechte genügen lassen, sich auch davon an kein usslendisch Gerichte beruffen.—Wer es nu, dass jemant, wer der were, in unsern Landen, Herrschaffen u. Gebieten wohnhaftig, sich an Recht vor geistlichen ader wertlichen Gerichten in den Landen, inmassen obgerüth ist, nicht genügen wolte lassen, sondern davon beruffen, oder sunst ussländische Gerichte weder dy unsern suchen wü-

ular interests of ecclesiastics were brought before secular tribunals,<sup>2</sup> that the criminal jurisdiction<sup>3</sup> over the clergy was exercised

den; derselbe sol von Stunt als eyn Echter des Landes gehalten werden, u. sal vorder nimmermer in unsere Lande kommen, sundern dy ewiglich rümen,—u. ein jeglicher sal u. mag sich zu denselben u. zu seinen Gut halten mit Rechte one alle Hindernisse, als zu unsern u. unser Lande rechten Echter. Wenn auch derselbe Boten ussenden werde, es were mit Briven oder anders, der Brive sal man keinen uffnehmen, sich nichts daran keren, u. sich zu den Boten gehalten, u. mit öm gebaren, als mit deme Selbtheter u. Echter one alle Verschonunge. Item als wir und die Unsern viel Jahr bissher durch die geistliche Richter um mancherley Sachen willen, dy sie alle vor sich ziehen, und keine usschliessen, sie sint geistlich oder wertlich, mannigfeldiglich umbgezogen und obermessig sehr beschwert sint worden, dorinne diselben Richter Gott noch die Gerechtigkeit zu mermal wenig angesehen han, doruss als zu besorgen were uff lengere Tage merklicher Ungloybe unter den Folcke wachssen, und dadurch Gotte und der heil. Kirchen Mißebitunge und Unere geschehen mogte, dorumb Gott zu Lobe und seiner heil. Kirchen zu Eren sollich öbel zu vermeiden; so wollen wir Fleiss thun, uns mit Fürsten und Prälaten, in der Jurisdiction wir mit unsern Landen und Herrschaften gesessen sint, bytagen, u. sie bitten, ör geistliche Gerichte zu rechtfertigen, und keine Sache vor sich zu ziehen oder zu richten, denn welche geistlich sint;—welche Sache aber weltlich sint dass sy sich der gar nichtiss annehmen. Wir sollen und wollen auch alle in unsern Landen, Herrschaften und Gebieten ernstlich bestellen und schaffen, dass Nymandes, welch wesen der sy, den andern um Sachen die weltlich sint vor kein geistlich Gerichte bringen, fordern noch bannen sal.—Wer aber das nicht liesse, ymanden vor geistliche Gerichte über weltliche Sachen brechte, und uns dieser unser Ordnunge ungehorsam werde, dorum solt her sine Sache, dodurch her gefordert hetto, gegen sinen Wederteyl ganz verloren haben,—solde auch dorzu sinen Herren, unter deme her sessen, eynen nütwe Schog gr. zu Busse vorvallen syn.—So sal auch unser iglicher mit allen Pfarrern und dorumbe gesessenen bestellen, dass sie keine Brive von den geistlichen Richtern umb weltliche Sachen ufnehmen noch verkündigen: welcher Pfarrer aber des also nicht halten wolt, den sal man keine Früchte oder Nuzunge siner Pfarre volgen lassen, biss so lange dass her des auch gehorsam werden.\* Nevertheless, in the Naumburg Convention of the Duke of Saxony, A.D. 1497, there is a remonstrance (see Müller's Reichstags-theatrum unter Maxim. I. Th. 2. Vorstell. III. s. 99 ff.), § 4: Es werden auch vielmaln wertliche Personen zu merklichem Schaden in wertlichen Sachen vor geistlich Gericht gefordert. In Hesse (see § 108, note 3) it was constantly maintained that the ecclesiastical courts should undertake no secular causes; so in the compact with Mayence, A.D. 1422; see Kopp, Nachr. v. d. Verfassung der geistl. u. Civil-Gerichten in d. Hessen-Casselischen Landen, Th. 1, s. 190 ff., and in the ordinance of the Landgrave Lewis, A.D. 1455; see the collection of the Hessian Laws, Th. 1, s. 10 ff.

<sup>2</sup> After the example of France (see § 108, note 18. Instances during this period may be found in the *Preuves des Libertez de l'église Gall.* chap. viii. no. 1 ss.) in Hesse also; see Kopp in the work quoted above, Th. 1, s. 198 f. Accordingly, the clergy of the Rhine complain at an assembly in Coblenz, A.D. 1479 (see *Georgii Nationis Germanicæ Gravamina*, p. 257), § 20: Item Laici interdum cognoscunt de causis et super bonis Clericorum, et bona eorum arrestant et occupant, et sibi ipsis appropriant. § 21: Item juramenta Laici exigunt a subditis, ne unus Laicorum alium impetat coram iudice ecclesiastico sed ipsimet cognoscunt de causis ecclesiasticis.

<sup>3</sup> Compare the brief of Martin V. to the Archbishops of Portugal (Raynald. 1427, no. 19), in which he recommends them, in connection with the assembled clergy of Portugal, to lay a formal charge before the Roman curia, against the encroachments upon Church liberties in which the King indulged, quasi sibi liceat uti potestate regia in Praelatos et Clericos tanquam in Laicos suae ditioni subjectos. There also is this passage: quodque est non minus absurdum, intelleximus, ipsum Regem in causis crimina-

\* Translation in Appendix.

by the same, and that the interference of foreign ecclesiastical tribunals was forbidden.<sup>4</sup> Still more generally the governing powers vindicated their claim to examine the decrees of ecclesiastical authorities before their publication.<sup>5</sup> And the dangerous increase of landed property in the Church induced many princes to follow the previous example of several free cities, and either to forbid altogether the augmentation of Church possessions, or else to require the legal sanction of the sovereign for each acquisition.<sup>6</sup>

libus trahi facere Clericos etiam in sacerdotio constitutos de foro ecclesiastico ad iudices saeculares, et per eos condemnari atque puniri. The Parliament of Paris not unfrequently condemned bishops to imprisonment. See *Preuves des Libertez de l'église Gall.* chap. vii. no. 34 ss. Besides, the free towns especially asserted the right of criminal jurisdiction over the clergy—for instance, Heilbronn; see Jäger's *Mittheilungen zur schwäbischen und fränkischen Reformations-Geschichte.* Bd. 1. (Stuttgart, 1828), s. 7 f.

<sup>4</sup> In France, by virtue of the privilege granted by Urban V., A.D. 1367, all recourse to a foreign tribunal, even every appeal to Rome, was severely censured (*Preuves des Libertez de l'église Gall.* chap. ix.). The decree of the Council of Basle, Sess. xxxi., A.D. 1438, gave a more general impulse to this movement; see § 182, note 34. How statutes were issued against appeals to Rome in the different Western kingdoms, see Petri Stockmans *Defensio Belgarum contra Evocationes et peregrina Judicia* (in his *Opp. Omn.* Colon. 1700. 4), cap. iv; on the Belgian statutes against such appeals, see cap. ii. In Germany the Saxon regulation of 1446 is especially worthy of note; above, note 1. Appeals from Germany to Rome did not, indeed, cease; however, they were reckoned among the *gracamina*. See M. Meyeri *Epist. ad Aen. Sylv.*, above, § 133, note 17, and the *Gravamina Germ. Nationis*, ann. 1510, no. 10; see above, § 135, note 8.

<sup>5</sup> The so-called *jus Placeti regii*, in France *Regium Parcatia*, in Naples *Regium Exequatur*, named after the different forms of the assent. How this right was maintained in France, see *Preuves des Libertez de l'église Gall.* chap. x. Lewis XI., in 1495, appointed a commissioner at Amiens to examine all persons coming from Rome, whether they had any papal briefs upon them, et icelles voir et visiter, pour sçavoir s'elles sont aucunement contraires ou prejudiciables à nous, et à la dite église Gallicane. Et au cas qu'en trouverez aucunes qui y fussent contraires ou prejudiciables, prenez les et retenez par devers vous, et les porteurs arrestez et constituez prisonniers, si vous voyez que la matiere y soit sujette; et du contenu esdites lettres nous advertissez, ou les nous envoyez à toute diligence, pour y donner la provision necessaire. Martin V., in the letter quoted above in note 8, complains of Portugal, A.D. 1427: *Dicitur etiam nobis, quod statuto regio mandatum est, ne quis audeat sine ipsius Regis licentia sub poena mortis et perditionis bonorum in dictis regnis literas apostolicas publicare.* When John II., king of Portugal, instigated by Innocent VIII., repealed the *Placetum Regium*, 1486, the peers of the realm resisted, and declared that without the consent of the States such a repeal was void; see Augustini Manuelis *Hist. Joan. II.* Philip the Good, duke of Burgundy, decreed, 3d January, 1447: *dat niemandt en brenghe, oft en exequere eenighe geestelycke monitien, inhibitien oft andere gheboden, op ecnighe ondersaeten des Landts van Brabant, uyt wat saecke dat het zy, hy eerst kome by onse Officiere ende Wethouderen, ende geve hem klaerlyck te kennen de saecke waerom, ende verkryghe oorlof ende consent.—Den gene die dat dede, sal daer an verbeurt hebben alle sine goederen, ende te dien aen syn lyf eenen wegh te S. Peter ende S. Pauls te Roomen te doen.* This and several later edicts issued in the Netherlands, together with references to similar laws of other nations—for instance, an order of Ferdinand the Catholic to the Viceroy of Naples, A.D. 1508—may be seen in P. Stockmans *Jus Belgarum circa Bullarum pontificiarum Receptionem* (in his *Opp. Omn.*), cap. ii.

<sup>6</sup> Arnold and Adolph, dukes of Gueldres, in 1441 and 1469 prohibited the endowment

## § 138.

## INTERNAL RELATIONS OF THE DIOCESAN HIERARCHY.

The reforming councils of Constance and Basle certainly intended to restore the original power of the bishops.<sup>1</sup> However, their decrees came into full operation in France only as long as the Pragmatic Sanction existed. On the other hand, the theory which grew up in the struggle with the mendicant friars was stoutly upheld in France, that the parochial clergy derived their spiritual authority not from the bishops, but, like the bishops themselves, through the institution of Christ.<sup>2</sup> Out of France this theory was

of ecclesiastics or religious houses with landed property, tithes, rentals, etc. See the *Nederlanschen Sulpitius van Jacobus Baselius*, s. 236. Philip the Good, duke of Burgundy, passed a law for Holland in 1446, that no members of religious orders should purchase or receive property without previous examination and consent of commissioners (Brandt, *Historie der Reformatie*, Th. 1, s. 88. Groot, *Hollandsch Plakaatboek*, Th. 1, s. 1471); the same also for Brabant in 1461 (*Brabandsch Plakaatboek*, Th. 1, s. 238). William III., landgrave of Hesse, in 1491 ordered a public proclamation to be made, dat niemants, wer der sy, keyne werntliche Guters, es ay an Zinsen, Renthen ader Gefellen, geistlichen Personen noch Cloistern nicht mehr verkeuffe, and that it should not be lawful for such property in any way to accrue to ecclesiastics: whoever should disobey, dem wollet nach libe und gude, als demjhenen der uns mit libe und gude verfallen ist, griffen, und die gutere, die den geistlichen hieruber zugeeignet werden von unserwegen innemen, und ine die an unsern Beschiet nit widder folgen lassen (the documents may be seen in the *Beurkundete Nachricht von dem Closterhaus Schiffenberg*, 2ter Theil. Giessen, 1755, Fol. Beilagen, no. 166). Albert the Peaceful, duke of Mecklenburg, forbade the clergy of Güstrow the acquisition of property; see *Analecta Gustavoviensia*, p. 86. Similar prohibitions, issued by Saxon princes for individual ecclesiastical corporations, may be seen in J. G. Reinhardi *Meditationes de jure Principum Germaniae, cumprimis Saxoniae circa sacra ante tempora reformationis exercito*. Halae, 1717. 4. p. 230 ss.

<sup>1</sup> So says Ludovicus, Card. Arelatensis, at the Council of Basle, of which he was President, in *Aeneae Sylvii De Conc. Basileensi*, lib. i. (ed Cattopoli, 1667. 4. p. 40): *Nec forsitan absonum fuerit dicere, nullam unquam fuisse Synodum, quae magis quam ista potestatem Episcoporum ampliaverit: etenim quid hodie erant Episcopi, nisi umbrae quaedam? (Compare Gerson's *Simulacra Depicta*, above, § 109, note 3.) Quid plus illis restabat, quam baculus et mitra? Numquid pastores sine ovibus dici poterant, cum nihil in subditos statuere possent? Nempe cum esset in Ecclesia primitiva Episcoporum summa potestas, hodie ad id venerunt, ut solo habitu et redditibus superarent Presbyteros. At nos eos in statu reposuimus pristino: nos beneficiorum collationem ad eos reduximus, nos eis confirmationum electionum restitimus, nos causas subditorum eisdem reddidimus audiendas, nos eos, qui jam non erant Episcopi, fecimus Episcopos.*

<sup>2</sup> See vol. ii. § 62, note 28; and above, § 112, note 3. Gerson, *De Potest. Eccl. Consid.* 12 (Opp. ii. p. 250), adduces the following—*determinatio sacrae facultatis theologiae Parisiensis nuper edita contra temeritatem extollentium privilegiatos super Curatos in praedicationibus et confessionibus*, from which the occasion and the purport of this opinion are plain; Art. i.: *Domini Curati sunt in Ecclesia minores Praelati et Hierarchae ex primaria institutione Christi, quibus competit ex statu jus praedicandi, jus confessiones audiendi, jus sacramenta ecclesiastica secundum exigentiam sui status et pa-*

not even sanctioned by all the liberal canonists,<sup>3</sup> and it was altogether rejected by the ultramontanes.<sup>4</sup> Moreover, the parochial

rochianorum ministrandi, jus sepulturas dandi, jus insuper decimas et alia jura parochialia recipiendi. Art. ii. : Jus prædicandi et confessandi competit Praelatis et Curatis principaliter et essentialiter, et Mendicantibus de per accidens ex privilegio; quoniam sunt introducti vel admissi ex concessione et beneplacito Dominorum Praelatorum. Compare Gerson, De Statibus Ecclesiasticis, and, particularly, De Statu Curatorum, sixteen considerations (Opp. ii. p. 534): E. g. Consid. i. : Status Curatorum succedit statui lxxii. discipulorum Christi quoad legem novam, et figuratus est in antiqua lege per Levitas. Ac proinde status Curatorum est de institutione Christi et Apostolorum suorum. Cons. ii. : Status Curatorum est de essentiali ac intrinseca Ecclesie hierarchia, sicut status Praelatorum, quamvis inferior sit, et pro sua perfectione variabilior. Qua ratione Curati simplices non aequè proprie dicuntur sponsi, sicut Episcopi, liberiusque permittuntur cedere, vel renuntiare curis suis. Cons. vii. : Status Curatorum Ecclesias parochiales sibi deputatas habet in tali libertate, quod nulli alteri sacerdoti fas est, ipsis invitis, aut sine eorum licentia prædicare in eadem, præsertim dum prædicare voluerint ipsi, sed nec confessiones illic audire, nec sacramenta ministrare: salva semper auctoritate, vel rationabili ordinatione superiorum Praelatorum. Viz. De Potest. Eccl. Epilogus Concl. 2 (Opp. ii. p. 256): Extenditur plenitudo potestatis Papæ super omnes inferiores solum dum subest necessitas ex defectu Ordinariorum inferiorum, vel dum apparet evidens utilitas Ecclesie: quemadmodum dici potest de Episcopis respectu Plebanorum, seu propriorum sacerdotum, quorum possunt supplere defectus. Thus, Sermo contra bullam Mendicantium (l. c. p. 437): Ad Curatos spectat ex statu eorum, jure, aut facultate concionari.—Sequitur, Papam aut alium quemvis jus hoc Curatis auferre, aut impedire non debere. Et ideo nullus in Ecclesia eorum concionari debet absque eorum facultate.—Ad Curatos pertinet jus audiendi confessiones.—Sequitur Papam non debere auferre istam potestatem aut jus ipsis Curatis absque eorum placito et voluntate, saltem expediens non est. Sequitur, nullum Privilegium confessionem audire debere in loco parochialis Ecclesie absque consensu et facultate Curati. Almainus would even have granted to the parochial clergy a voice at the Councils. Cf. Expositio circa decisiones M. Occam super potestate summi Pontif. Qu. i. c. 18, sect. 1. (Gersonii Opp. ii. p. 1067). Secundo, dicitur Concilium debere congregari ex omni statu hierarchico: nam sunt duo status hierarchici in Ecclesia, scil. status Praelatorum superiorum et inferiorum: unde in tali Concilio debent interesse singuli Episcopi, similiter ex parte Cleri et Curatorum de singulis Episcopatibus aliquis debet interesse, et tales habent voces et auctoritatem deliberandi in Concilio. All opinions which contravened this theory were condemned by the Sorbonne, and had to be recanted. Thus the Dominican, Jo. Sarrazin (see § 136, note 23), in 1429, was also obliged to recant the statement (d'Argentré I., ii. p. 227): Dicere, inferiorum Praelatorum potestatem jurisdictionis, sive sint Episcopi sive Curati, esse immediate a Deo, sicut potestatem Papæ, veritati quodammodo repugnat; and to acknowledge instead: evangelicæ et apostolicæ consonat veritati. The Franciscan, Joannes Bartholomeus, in 1451, was refused the degree of licentiate in theology, because he had preached (d'Argentré I., ii. p. 251), quod Parochiani possunt libere se Mendicantibus per Ordinarios admissis confiteri absque Curatorum licentia. Among the fourteen propositions of the Franciscan, Joannes Angelus (see § 136, note 23), which were condemned in 1482, was this (d'Argentré I., ii. p. 305): I. Fratres minores præsentati Episcopo et admissi sunt proprii Sacerdotes et veri Curati, et melius quam Presbyteri parochiales, quia facultatem suam habent a summo Pontifice, et dicti Presbyteri ab ipso Episcopo dumtaxat, and others of the same kind.

<sup>3</sup> For instance, not by Alphonsus Tostatus (see § 136, note 5), Quæst. 87, in Math. xvi. : Episcopus sub se nullos habet habentes ordinariam jurisdictionem, sed Curati omnes sunt Commissarii: et sic tota jurisdictio est Episcopi immediate. Et si nollet ponere Curatos, sed ipse administraret, licite faceret, si sufficeret ad hoc.

<sup>4</sup> See § 136, note 15. Compare especially the refutation by Joannes de Turrecremata

clergy were not unfrequently subjected to severe oppression from their ecclesiastical superiors.<sup>5</sup>

### § 139.

#### MORAL CONDITION OF THE CLERGY.

The reformation of the deeply degraded clergy was the principal part of that reformation of the Church in head and members, the call for which was resounding through this entire period. But in this respect also all efforts for reform seemed generally fruitless, and the lamentations over the coarseness and ignorance, over the unspiritual and immoral conduct of the clergy, remain down to the end of this period unaltered and the same.<sup>1</sup> The foulest stain

(see § 136, note 12) of Johannes de Poliacó (see above, § 112, note 8) in his *Summa de Ecclesia*, ii. c. 59 ss. He declares himself, c. 68, in the words of Petrus de Palude, to this effect, quia Christus per se non fecit nisi unum Curatum, scilicet Petrum:—sed quia impossibile erat, quod per se solum (*Petrus*) perfecte totius gregis curam ageret, ideo per consequens (*Christus*) commisit illi facere alios Curatos, quotquot ipse pro adjutorio suo et populi salute opus esse cognosceret. Nec Christus per se instituit, nisi unam solam curam;—sed Petrus postmodum per se et per alios divisit provincias, et dioeceses, et parochias. The last two propositions which John Kaltenmarkter was obliged to recant at Vienna in 1492 (see § 136, note 24), only differ from the Gallican theory in form, and this form itself probably does not belong to the accused; see Gersonii *Sermo contra Bull. Mendicant.* above, note 2.

<sup>5</sup> *Epistola de Miseria Curatorum*, Aug. Vind. 1489, epitomized in the *Auctarium Catal. Test. Verit.*, p. 283. Here nine devils are enumerated, by whom the curate is tormented. Sextus diabolus est Officialis, qui sine causa infamat Plebanum, recipit pecuniam, et admittit ignominiam; amat denarium, et tolerat fornicarium; tollit munera, et destruit jura. Septimus diabolus est Episcopus, qui jam contributum, jam postulat subsidium, etc.

<sup>1</sup> See Jo. Trithemii, *Abb. Spanheimensis, Institutio Vitae Sacerdotalis* (written about 1485, in his *Opp. Pia et Spiritualia*, ed. Jo. Busaeus. Mogunt. 1606, fol. p. 765 ss.), c. 1: Indocti, rudes, jam sine discretione meriti ad sacerdotium veniunt, qui moribus suis pessimis Christi oves infeliciter occidunt. Nulla jam in ordinandis Clericis vitae sanctitas requiritur, literarum eruditio nulla postulatur, conscientiae puritas non attenditur. Sufficit apud eos, si currentem sortem possint construere, si cujus partis orationis sit Dominus, respondere, si ita, et non, intelligere. Vae nostrae tempestatis Episcopis, qui saecularibus negotiis intenti ordinationes clericorum non considerant, sed curam examinandi imperitis locant! Quam districtam sunt subituri sententiam, qui se totius in Ecclesia mali exhibent causam! Cap. 4: Studium scripturarum sacerdotes nostri abjiciunt, eruditionem negligunt, pro libris scripturarum aves et canes enutriunt.—Nihil aliud quam mundanum sapunt, nihil quam vanum diligunt, nihil nisi carnale intelligunt.—Sedent in insidiis cum potatoribus in tabernis, ludis et comessationibus vacant, non est timor Dei ante oculos eorum.—Nihil penitus de scripturis intelligunt, discere contemnant. Romana lingua scribere vel loqui nesciunt, vix in vulgari exponere Evangelia didicerunt. Quantos errores, fabulas et haereses in Ecclesia praedicando populis enunciant, quis nisi expertus credere posset! Pro libris sibi liberos comparant, pro studio concubinas amant. Isti sunt caeci duces caecorum, qui populum Dei ad justitiam non erudiunt, sed potius seducunt.—Non possum non dolere, videns omne malum in Ecclesia ex ignorantia sacerdotum procedere. Quis enim non doleat, illos mandata nescire, qui constituti sunt alios instruere?—Sacerdotes nostri mundanis cupiditatibus effluunt,



of the clergy, their unchastity, seemed only to increase in proportion as it was assailed with greater zeal.<sup>2</sup> As the sternest denunciations of the reforming councils of Constance and Basle could not even produce external decorum in a large part of the ecclesiastics<sup>3</sup> there present, so the decrees of these councils upon this subject continued to have no visible effect upon the Church.<sup>4</sup> No century can produce so many decrees of synods and bishops against the *concupinari* as the fifteenth.<sup>5</sup> And yet in no century are the complaints, as well as the scandal, caused by the licentiousness of the clergy, which in Italy not unfrequently amounted to unnatural crimes,<sup>6</sup> and by the fruitlessness of all remedies, so numerous as in this.<sup>7</sup> The severer sentences could not, for the most

*corrige vitiosos non praesumunt, quia se deliquisse in majoribus agnoscunt.—Nec mirum, si minores vacent a studio scripturarum, cum inter Praelatos paucos invenias, qui veterum exemplis inhaereant. Eliguntur enim ut plurimum non doctiores, sed ad congregandas divitias perituras avidiores. Codices scripturarum aut nullos habent, aut paucos, quippe qui odio scientiam persequuntur. Et quia, sicut Dominus per prophetam (Malach. ii.) loquitur, sacerdotes notitiam legis abjecerunt, propterea contemptibiles in populo facti sunt. Clamant quidem in tribulatione ad Dominum, sed non exaudit eos: quoniam qui avertit aures suas ne audiat legem, oratio ejus erit execrabilis. Non ergo mirentur sacerdotes, quod eos contemnunt Laici, quoniam ipsi spernunt mandata Christi. Timeo autem vehementer, in brevi contra Clerum graviora futura.*

<sup>2</sup> J. A. Theiner and A. Theiner, die Einführung der erzwungenen Ehelosigkeit bei den christl. Geistlichen u. ihre Folgen. Bd. 2. Abth. 2. s. 642 ff.; F. W. Carové Vollständige Sammlung der Cölibatgesetze für die kathol. Weltgeistlichen mit Anm. (oder über das Colibatgesetze des rom. kathol. Klerus, 2te Abth.) Frankf. a. M. 1833. 8, s. 342 ff.

<sup>3</sup> A catalogue of the speeches made at Constance, and published by v. d. Hardt and Walch, may be seen in Theiner, s. 647 ff. On the speeches of Basle, see *ibid.* s. 692 ff. Compare the passage quoted by Schelhorn in the preface to Raupachs Evangel. Oesterreich, Th. 2, s. xviii., from the speech delivered by Petrus de Pulka, professor at Vienna, before the Council of Constance, A.D. 1416: *Attendite et videte, ecce Clerus Romanae Curiae, quas a tempore schismatis ultra humanam malitiam depravata aestimatur, similiter Clerus hujus dioeceseos, imo hujus civitatis et ipsiusmet synodi, quam obediens nobis existat. Considerate quaeso, an reverendo hanc sacram synodum, in cujus oculis versatur cottidie, saltem in minimo vitam dissolutam emendaverit. Pro certo dicuntur Clerici curiales adhuc suas tenere concubinas inverecunde palam omnibus, adhuc justitiam vendere, ac veluti omni specie leprae ut prius sordescere, etc.*

<sup>4</sup> At Constance the subject was undertaken in good earnest, as one may see from the Reformatorium (compare § 181, note 18) cap. 33 (see v. d. Hardt, Conc. Const. I. x. p. 685); however, no canon was composed upon this subject, for all the reforms which were deferred till after the Papal election came to nothing. See the canon of Basle, Seas. XX. § 132, note 22.

<sup>5</sup> See the works of Theiner and Carové, quoted above.

<sup>6</sup> Jo. Franc. Pici, *Mirandulae Domini, ad Leonem P. M. de reformandis moribus oratio, A.D. 1517* (in the *Fasciculus Rerum Expetend. et Fugiendarum* ed. E. Brown, p. 419): *ab illis (sacerdotibus) etiam (proh pudor!) foeminae abiguntur ad eorum libidines explendas, et meritorii pueri a parentibus commodantur et condonantur his, qui ab omni corporis etiam concessa voluptate sese immaculatos custodire deberent; hi postea ad sacerdotiorum gradus promoventur, aetatis flore transacto jam exoleti.*

<sup>7</sup> Compare especially the writings of the following persons: Laurentius Justinianus, Patriarch of Venice, † 1455; De Complacntu Christianae Perfectionis (Opp. ed. Venetiis,

part, be carried into execution, because of the numbers of the guilty: thus the avarice of the bishops could more easily lead to the substitution of pecuniary fines, which were soon commuted for a standing annual tax paid by the concubinarii.<sup>8</sup> As licen-

1751, fol. t. ii. p. 6); *De Institutione et Regimine Praelatorum*, c. 20. Alphonsus Tostatus, bishop of Avila and lord high-chancellor of Castile, † 1454; *Contra Clericos Concubinarios* (Opp. ed. Venet. 1728, fol. t. xxv. p. 58). Antoninus, archbishop of Florence, † 1459; *Summa Confessionalis*, p. iiii. de Clericis, Praelatis, Episcopis, c. 10-16. Felix Hämmerlin (Malleolus), canon at Zurich, † between 1457 and 1464. Extracts from his works, which are for the most part unedited (a collection has been edited, *Variae Oblectationis Opuscula*, Basil, 1479, fol.), may be seen in Meister's *Berühmte Züricher*. Basel, 1782, Th. 1, s. 84 ff. Wirz *Helvetische Kirchengeschichte*, Th. 3, s. 201 ff. J. v. Müller's *Geschichte Schweizerischer Eidgenossenschaft*, neuo Aufl. 1826, Th. 4, s. 225 f. Dionysius de Lewis, commonly called a Ryckel from the place of his birth, a Carthusian monk of Ruremonde, † 1471; *De Vita et Regimine Praesulum*, Art. 18, 27 ss. 87. *De Vita et Regimine Archidiaconorum*, Art. 19 ss.; *De Vita Canonicorum*; *De Vita Curatorum*. Hermannus Ryd de Reen (Prior of the Monastery of Neuwerk in Halle, afterward parish priest at the same place, † 1476; see Leibnizii *Scriptt.* Brunsvic., ii. p. 489), *De Vita et Honestate Clericorum* (written 1467, Magdeburgi), in Brownii *Appendix ad Fasciculum Rerum Expetend. et Fugiend.*, p. 129 ss. Rodericus Sancius Episc. Zamorensis et Referendarius Pauli P. II.; *Speculum Vitae Humanae* (this appeared at Rome in 1468, it was afterward reprinted several times), lib. ii. c. 19. *Lavacrum Conscientiae* (anonymous, probably first published at Augsburg in 1489, afterward at Cologne in 1499. 4), cap. 4, 13, 15, 17. Baptista Mantuanus, a Carmelite at Mantua, for three years general of his order, † 1516, *Alfonsus*, lib. iii.; *De Calamitatibus Temporum*, lib. iii. Joannes Trithemius, Benedictine Abbot at Spanheim, afterward at St. James's in Würzburg, † 1516; *Institutio Vitae Sacerdotalis*, especially cap. 2. (ejusd. *Opp. Pia et Spiritualia*, ed. Jo. Busaens, Mogunt. 1605, fol. p. 768 ss.) Jacobus Wimpheling, professor at Heidelberg, † 1528, *Apologia pro Republica Christiana*; *Libellus de Integritate*; *Epistola ad Sacerdotem, ut Concubinam dimittat*, in the *Auctarium Catal. Test. Verit.* p. 275 ss. Sebastian Brandt, chancellor of Strasburg, † 1520; *Das ntw Schiff von Narragonia*, 1494. Jo. Geiler von Kaisersberg, preacher in Strasburg, † 1510, *Navicula s. Speculum Fatuorum* (sermons A.D. 1498), 1511; *Das Buch von der Omeissen*. Jac. Siberti, monk in the Monastery of Laach, *De Calamitatibus hujus Temporis*, written in 1509-1516 (edited by Gieseler in Vater's *kirchenthist. Archiv.* 1826, Heft. 2, s. 109 ff.). Satirical stories of clerical licentiousness may be seen in Poggii Florentini, chancellor of the Republic of Florence, † 1459, *Facetiae*, and in Henr. Bebelii, professor at Tübingen, † 1516, *Triumphus Veneris*, lib. iii.—v. and *Facetiae*. There are also scornful allusions in the *Fables of Laurentius Abstemius*, librarian at Urbino, † after 1516, which are usually appended to the editions of *Aesop's Fables* in the 16th century. Extracts of passages from most of these works relating to this subject may be seen in the work of Theiner quoted above. Compare also the reflections in the *Epist. de Miseria Curatorum*, Ang. Vind. 1489 (in the *Append. ad Catal. Test. Verit.* p. 283): *Si fortitudo, sanctitas, sapientia Samsonem, David, Salomonem a concubitu mulieris praeservare non potuit, quis Curatores ab eodem veneno unquam liberabit? Sicut impossibile est, cum pice communicari, et ab ea non coinquinari; ita non suscipiendum est, cum muliere habitare, et ab ea non maculari. O, quam rarum est, si Curator, uxorem non habens, se non coinquinat! Ab hoc tempore, quo Clericos ab uxoribus sanctio Apostolica sequestravit, nullus unquam, quantumcunque sanctus et continens, sine suspitione fuit. Antea per sacerdotis prolem tota nostra salus profuxit, nunc autem non nisi scandalum venit. Olim unusquisque sacerdotum in sua legitima contentabatur: nunc vero sacerdos, qui propriam non habet, feminis indifferenter utitur. De illis nemo quod malum est promebat: de istis, quomodo luxuriantur, etiam puer cantat!*

<sup>8</sup> This practice was indeed expressly forbidden by the Conc. Paris, ann. 1429, c. 23.

tiousness became more customary among the clergy, a frivolous moral estimate of such transgressions began to prevail among them.<sup>9</sup> The laity naturally shared in this opinion, and so the sin

(Mansi xxviii. p. 1107); Conc. Dertusanum (i. e. Tortosanum), ann. 1429, c. 2 (l. c. p. 1144); Conc. Basileense Sess. XX. (see § 132, note 22), and, instead, sentence of suspension and degradation pronounced against the concubinari; nevertheless, Peter II., Bp. of Breslau, at a council assembled there between 1447 and 1456, again decreed (Hartzheim Concil. Germ. v., p. 445), quatenus omnes Clerici—concubinas, sive focarias, aut alias mulieres quascunque de incontinentia suspectas—rejjiciant et desistant,—*sub poena decem florenorum nobis ad Cameram nostram irremissibiliter persolvendorum*. Accordingly there are incessant complaints against this scandal; see Theobaldi Publica Conquestio in Conc. Const., ann. 1417, in v. d. Hardt, I. xix. p. 909. Fel. Hammerlin, see Wirz Helvet. Kirchengesch. Th. 3. s. 77. Dionysius Carthusianus De Vita et Regimine Archidiaconorum. Art. xix. contra periculosam, vitiosam atque damnabilem consuetudinem visitandi et pecuniam recipiendi a fornicariis. Hermannus Ryd de Been De Vita et Honestate Clericorum, c. 1, in Brownii App. p. 133. Jacobus Siberti De Calamitatibus hujus Temporis tells (Vater's Archiv. 1826, s. 181) how a certain Archbishop of Cologne (Theoderich, 1423) charged the concubinari, under pain of heavy penalties, to dismiss their concubines, but soon changed his tone, p. 184: *accepit nempe antistes a sacerdotibus pecunias, et dimisit illis concubinas: forte vel nesciebat alio remedio malitiae temporum obviare,—vel multitudine territus proficere desperabat*. When Joha Busch, provost of the monastery of Neuwerk in Halle, about 1450, imposed upon the clergy of his archdeaconry the dismissal of their concubines (see his own story in Leibniti Scriptt. Brunsv. ii. p. 819), quidam eorum potius elegerunt Ecclesias suas quam famulas suas dimittere. Ecclesias enim suas sine rectore relinquentes cum famulabus suis inde recesserunt. A certain knight laid his complaints and his opinion on this point before the provost: *Populus illarum Ecclesiarum missas non habent, nec sermones, nec alia divina, sed vadunt quasi sine Deo sicut gentiles. Malius esset, quod permetteretis, ut Plebani suas retinerent concubinas, quam ut populus ille tanquam gentilis efficeretur: hoc enim esset minus malum*.

<sup>9</sup> Stephani Episc. Brandenburgensis (from 1422-1459) Comm. ad Orat. Domin. c. 17 (in Ph. W. Gercken's ausfuhr. Stifftshistorie von Brandenburg. Braunschweig u. Wolfenbüttel, 1766. 4, s. 226): *Quid ergo dicemus de Clero nostro et sacerdotibus, inter quos etsi pauci sunt simoniaci, pauciores vero schismatici, paucissimi vel nulli, ut speramus, extant haeretici, a quibus ut sic populus ad ipsorum perniciem ecclesiastica reciperet sacramenta; sunt tamen, quod cum dolore et non sine magnis gemitibus dicere nos veritas compellit, heu plurimi concubinari et fornicatores etiam notorii, ex quorum vita plurimi scandalizantur, non solum vulgares et plebeji, sed etiam Magnates et principes. Et adeo pestis ista et crimen hoc invaluit, ut talibus sacerdotibus frons meretricis facta sit, sic ut pro modico ducant, fornicationem et adulteria committere.—Nam etsi ex lapsu carnis impregnantur ab eis, vel forte ab aliis, focariae et meretrices eorum, non inficiantur vel abnegant peccatum, sed pro summo honore arbitrantur, se parentes illorum esse, qui de damnabili coitu procreantur. Unde et gloriando de malitia sua convicinos presbyteros et alios laicos utriusque sexus convocant, et per se paternos ad filiorum suorum baptismata invitant, magnamque festivitatem pro talium filiorum generatione et solemnitatem et gaudium faciunt de quo potius deberent luctum suscipere, etc. Compare the levity with which Aeneas Sylvius, already in orders, and engaged at the Council of Basle, informs his father of the birth of a son begotten at Strasburg, Ep. 15: *Certe nec lapideum nec ferreum genuisti filium, cum esses tu carneus. Scis, qualis tu gallus fueris: at nec ego castratus sum, neque ex frigidorum numero. Nec sum hypocrita, ut videri bonus quam esse malim. Fateor ingenue meum erratum, quia nec sanctorum David Rege, nec Salomone sapientior. Antiquum et vetus est hoc delictum, nec scio, quis eo careat. Late patet haec pestis (si pestis est, naturalibus uti), quanquam non video, cur tantopere damnari coitus debeat, cum natura, quae nihil perperam operatur,**

of licentiousness increased in a fearful manner,<sup>10</sup> and introduced

omnibus ingenuerit animantibus hunc appetitum, ut genus continuaretur humanum, etc. In the diocese of Spire two zealous bishops in succession never ceased bringing to the recollection of their diocesan synods the canons against the concubinari; these were Lewis of Helmstadt, 1478–1504 (see the Synodal acts in Würdtwein Subsidia Diplom. xii. p. 196 ss.), and Philip of Rosenberg, 1504–1518 (Würdtwein Nova Subsid. Dipl. viii. p. 294 ss.). In return the latter had to learn (see Jubilee-synod, 1505, Nova Subsid. Dipl. viii. p. 299) that his clergy complained—inter convivas et scortorum consortia, in Episcopatu Spirensi solam luxuriam esse peccatum, et pene neminem fuisse punitum, nisi solum illos aut eos frequentius, qui castitatis vitio laborabant, caeteros vero longe enormioribus gravioribusque irretitos criminibus aut a poena fuisse immunes, aut saltem medicriter in comparatione lascivorum mulctatos; *cum tamen sancti Doctores et jura canonica afferant, incontinentiam inter peccata mortalia esse minimum*. The bishop persisted with his decrees, moti ex hoc verbo Gregorii, quo dicit, *fornicationem minoris quidem esse culpae, majoris autem diffamae*, cujus auctoritatis huic vitio dediti prima verba, nos vero ultima attendimus, propter quod ipsi peccatum hoc suum in se parvi faciunt, nos diffamiam et scandalum magnificimus. Pensamus haec et multa alia innumera-bilia mala corporis, famae et animae, quae haec cum mulieribus suspectis conversatio et cohabitatio secum afferunt, inprimis autem illud, quod raro tales vere et catholice peccata sua confitentur: emendandi propositum, quod habere se dicunt, regulariter aut fictum est aut falsum, et—legitime et coram Deo non absolvuntur. Hermannus Byd de Reen de Vita et Honestate Clericorum, c. 1, in Brown, App. ad Fasciculum, p. 188: Antiquitus—mali Clerici et sacerdotes fuerunt hypocritae,—quibus valde erat infestus Salvator,—cum saepe eos redarguit, contra eos praedicavit.—Moderni autem Clerici peiores sunt illis hypocritis, qui, licet mali sunt et pessimi praevaricatores pro majori parte, non tamen talia in occulto hominibus nescientibus, ut hypocritae, fecerunt. Utinam foret ita bonum, ut justi coram hominibus apparerent, ne homines in eis scandalizarentur. Sed aliter est negotium: quoniam minus verecundantur laicis, gloriantes de malitia eorum et male actis. Quot publicos fornicatus sive fornicarios videmus! imo, quod pejus est, tales et hujusmodi sic vivere permittuntur publice ab eorum Praelatis, solum quod omni anno porrigant certam quotam pecuniarum Officialibus eorum!

<sup>10</sup> The Council of Paris, ann. 1429, c. 28, laments emphatically over this effect of the example of the clergy (Mansi xxviii. p. 1107). Cum propter crimen concubinatus, quo multi ecclesiastici et religiosi viri inficiuntur, habeantur Ecclesia Dei et totus Clerus in derisum, abominationem, et opprobrium cunctis gentibus; et illud nefandissimum scelus in Ecclesia Dei adeo invaluit, ut jam non credant Christiani, simplicem fornicationem esse peccatum mortale (see Huss, Sermo Syn., ann. 1405, below, § 150, note 5); nos volentes ad extirpationem tanti facinoris—providere, etc. In the summons to the Martinmastide synod of 1486, Bishop Lewis of Spire complains (Würdtwein, Subsidia Diplom. xii. p. 247): licet—nos contra concubenarios nostrarum civitatis et diocesis Spirensis processus nostros varios, et quidem formidabiles et diras in se continentes poenas pro hujusmodi vitio concubinatus extinguendo promulgaverimus; nihilominus tamen validus et frequens clamor ad nos perduxit, quod nonnulli, immo ut asseritur multi, per civitatem et diocesim nostras adeo patule et publice secum tenerint et teneant mulieres suspectas et concubinas, tamque reprehensibilem cum eis agant vitam, quod exinde Laici non tantum scandalizantur, sed et ipsi eorum exemplo similiter peccandi sumant occasionem, etc. Lavacrum Conscientiae, c. vii.: Propter quod secundum b. Bernardum in districto Dei judicio judicantur non solum quia in his peccaverunt, sed etiam ideo quia suis nefandis exemplis rudibus et simplicibus occasionem peccandi dederunt. Propter quod etiam in hac vita corda eorum indurantur, quod raro aut nunquam poenitent, praecipue hi, qui peste luxuriae aut avaritiae infecti sunt, quia a nullo volunt corrigi nec aliquis informationem accipere. Citius enim decem laici vel plures ab errore suo revocantur, quam unus Clericus vel literatus perverse vivens. Et ideo in sensum reprobam multi tales traduntur, et caecitate justo Dei judicio percipiuntur, etc.

at the end of the fifteenth century new and loathsome diseases.<sup>11</sup> So early as the time of the council of Constance it was loudly asserted that this abuse could only be remedied by legalizing the marriage of the clergy.<sup>12</sup> But even such men as the Chancellor Gerson, who in other respects belonged to the liberal party, fettered by prejudice, declared themselves against any alteration in the ecclesiastical law.<sup>13</sup> However, after this time men of penetration arose, in unbroken succession, who inclined toward the marriage of the clergy.<sup>14</sup> But this question was so much interwoven

<sup>11</sup> Ph. G. Hensler's *Gesch. der Lustseuche, die zu Ende des fünfzehnten Jahrh. in Europa ausbrach*. Altona, 1788. Theiner, ii. 11, s. 803 ff.

<sup>12</sup> Franciscus Zabarella (from 1411 Cardinalis Florentinus, † 1417), *Capita agendorum in Conc. Constant. de Reformatione Ecclesiae*, c. 12 (v. d. Hardt, *Conc. Const. I. ix. p. 524*): Circa concubinariorum provideatur cum effectu: alias sic negligendo praestaret permitttere conjugium Clericis. Et de hoc etiam disponetur. Particularly Wilhelmi Saigneti (Saignet, a French knight) *lamentatio ob coelibatum sacerdotum, seu dialogus Nicaenae constitutionis, et naturae ea de re conquerentis*, MS. in Basle cf. Oudin's *Comm. de Scriptoribus Eccles. Antiquis.*, t. iii. p. 2325.

<sup>13</sup> Gerson wrote against Saignet the *Dialogus Sophiae et Naturae super Caelibatu Ecclesiasticorum* (Opp. ii. p. 617 ss.). Although Gerson recognizes the impossibility of eradicating clerical licentiousness, still he denounces the marriage of the clergy, and consoles himself with the reflection, p. 634, *de duobus malis minus est incontinentes tolerare sacerdotes, quam nullos habere*. He also avows lax views with regard to unchastity, which in him is doubly extraordinary; e. g. *Sermo contra Luxuriam Dom. ii. Adv.* (Opp. iii. p. 917): *Violatne persona votum suum, quando non servat castitatem suam, vel etiam presbyter, aut religiosa persona? Respondeo, quod regulariter votum castitatis fit, quod nunquam vovens contrahere velit matrimonium, et pro hoc quis consequenter obligatus est ad castitatem. Ideo non violat votum suum is, qui non contrahit matrimonium, quamvis peccet gravissime*. Among the safeguards against sins of sensuality, *Sermo contra Luxur. Dom. iv. Adv.* (l. c. p. 932), is this: *Tertium remedium est efficere, ut paucissima faciant peccata, et interdum multa bona facere*. Notate, quod sit in secreto, et extra festa et loca sancta, cum personis sine vinculo.

<sup>14</sup> The *Reformation of Sigismund* (first published by John Bamler, Augsburg, 1476, and in Goldasti *Constitt. Imperial.*, i. p. 170, with arbitrary alterations at Basle, 1521), was, indeed, neither laid before the Council of Basle, as the title of the edition of 1476 asserts, nor before the Council of Constance, as is stated on the title of the edition of 1521, as a plan for reform; moreover, it does not derive its origin from Sigismund, but was probably composed (as v. d. Hardt, *Conc. Const. I. xxvii. p. 1121*, thinks) by the Emperor's Councilor, Frederick von Landskron, after Sigismund's death; it is, however, an important testimony from that period. In the chapter, *Von Ordnung aller Pfarrkirchen* (on the ordering of all Parish Churches), after lamenting that none of the regulations against the Concubinari were of any use, it proceeds: *so ist es weger das man lebe als man zu Orient lebt und an andern ettlichen Enden, do die Priester Fewerber nemen, wann unser Herr Christus hat es nit verboten der Priesterschaft. Ich mein aber, es sey meer üfels auffgestanden in dem Teil der Christenheit, die Bapst Calixtus Gebott (see on this head, Jo. Marius Belga below), hielten, dann Gutz dardurch beschehen sein. Das Uebel zu verhütten, und das man dester sicherer an der Seel sey, so sol man einem yegklichem weltlichen Priester ein Eeweib geben, die ein Junckfraw und rein sey. To this end it was proposed that every parish church should maintain two priests, that these should undertake the divine service each for a week by turns, and that each during his week of service should refrain from his wife. In the so-called *Reformation**

with the interests of the hierarchy, that no concession could be expected on their side.

of Frederick III. (in Goldast's Reichssatzung, s. 166 ff., according to page 818 taken from the Ancient Chronicle of Cologne, probably the private work of an unknown hand, during the last years of Frederick's reign; see Eichhorn's Deutsche Staats- u. Rechtsgesch., Th. 3, s. 103 f.), we find in a declaration upon the sixth article, the fourth illustration: Was in (the clergy) Sündt, ist uns recht; und was in recht, ist uns Sündt. Nimbt ihr ayner ein Weib, das ist ihm nit recht, aber uns Leyen. Nimbt ihr ayner ein frummen Man sein ehelich Weib, und setzt die zu ihm, ist ihm nit Unrecht, wer aber ein Leyen Sündt. Nimbt eyne Ley vom hundert fünff, das ist imne Sündt: so aber ein Geweihter vom hundert sechtzig oder sibentzig nimbt, das ist ihme nit Sündt. Der Stück seind so vil die widerwertig sindt, das mirs nit felen kann: entweder mir seindt nit Christen, oder aber sie seindt Ketzter. Dann unser Glaub gantz widerwertig ist. Im Beschluss ist ir Sach on Grundt.—Nicolaus Panormitanus (see § 182, note 87, † 1445), *Lectura super c. cum olim. De clericis conjugatis* (i. e. ad Decr. Greg. lib. iii. tit. iii. c. 6), ed. Taurin. 1577, fol. 361, proposes the question, Numquid hodie Ecclesia possit statuere, ut Clericus possit contrahere matrimonium, sicut Graeci? and answers: Credo, quod sic,—et non solum credo, potestatem inesse Ecclesiae hoc condendi, sed credo pro bono et salute animarum quod esset salubre statutum, ut volentes continere et magis mereri, relinquere voluntati eorum; non volentes autem continere, possint contrahere: quia experientia docente contrarius prorsus effectus sequitur ex illa lege continentiae, quum hodie non vivant spiritaliter, nec sint mundi, sed maculentur illicito coitu cum eorum gravissimo peccato, ubi cum propria uxore esset castitas, ut dicitur Cap. Nicaena (Decretum Grat. P. i. Dist. xxxi. c. 12). Unde deberet Ecclesia facere, sicut bonus medicus, ut si medicina, experientia docente, potius officit quam prosit, eam tollat. Et utinam idem esset in omnibus constitutionibus positivis, ut saltem obligarent quoad poenam, et non quoad culpam. Nam ita creverunt statuta positiva, ut vix reperiantur aliqui, qui non corruerint viam suam.—Aeneas Sylvius Hist. Conc. Basil. lib. ii. (ed. Cattopoli, 1667. 4, p. 86): fortasse non esset pejus, sacerdotes quamplures uxorari: quoniam multi salvarentur in sacerdotio conjugato, qui sterili in Presbyteratu damnantur. De Auctoritate Conc. Basil. Dialogus (in Kollar Analecta Vindobonensia, ii. p. 780): olim conjugem nec habere, nec habuisse indecorum sacerdotibus fuit; hodie vero solum habere interdicitur, quae prohibitio, ut ego existimo, utilius quoque hodie prohiberetur. As Cardinal he wrote to his friend Jo. Frunt (Ep. 307): Credimus te uti non insulso consilio, si, quum nequeas continere, conjugium quaeris, quamvis id prius cogitandum fuerat, antequam initiareris sacris ordinibus. Sed non sumus Dii omnes, qui futura prospicere valeamus. Quando huc ventum est, ut legi carnis resistere nequeas, melius est nubere, quam uri. Non tamen haec Pontificis sententia, ut dispensandum censeat: stat in sua severitate.—Expectandus est ergo, ut tute agas, alterius Apostolatus, qui mitior sit. The same opinion he maintained as Pius II.; the following is one of his proverbial sayings (Platina, De Vitis Pontiff, ed. 1645, p. 762): Sacerdotibus magna ratione sublatae nuptias, majori restituendas videri.—Thomas of Rennes, also, the French Carmelite (Thomas Rhedonensis), who zealously strove against the corruption of the curia in France and Italy, and pressed for a reformation of the Church, for which he was burned to death at Rome in 1436, is said to have been favorable to the marriage of the clergy. However, the passage in Flacii Catalog., no. 365, attributed to him, is that passage of the *Panormitanus*, which is printed above. Compare Baleus, Centur. vii. c. 100.—Felix Hämmerlin also, in his work *De Libertate Eccl.*, desired the permission of the marriage of the clergy; see Müller's Schweizer. Gesch., Th. 4, s. 261, Anm. 309.—Alain Chartier, secretary to the kings Charles VI. and VII. † 1458, in his principal work, *l'Espérance ou Consolation des trois Vertus* (Les oeuvres de Maître Alain Chartier, revuës, corrigées par A. du Chesne. à Paris, 1617. 4, p. 388. The passage is given in Latin by Flacius, Catal. Test., no. 200, and by Theiner II., ii. 697, but quoted erroneously from Alain's work, *Le Curial*): Or fut il pieça fait un nouvel statut en l'Eglise latine, qui

## Hatred and contempt of the clergy, who were no less licentious

desseura l'ordre du saint mariage d'avec la dignité de Prestrise sous couleur de piété et chasteté sans souilleure. Maintenant court le statut de concubinage au contraire, qui les a attrait aux estats mondains, et aux delis sensuels et corporels. Et qui plus est, se sont rendus à immodérée avarice, en procurant par symonie et par autres voyes illicites, litigieuses, et processives en corruption, et autrement, benefices et prelatures spirituelles. Et avec ce se sont souillees et occupez és affaires citoyens, et és negoces et cures temporelles. Et ce premier statut departit pieça l'Eglise grecque d'avec la latine. Et ores la desordonnance avaricieuse des Prestres a fait separer les peuples de Behaigne (Bohemians) de l'Eglise de Rome. Que dy-je de Behaigne ! mais de Chrestienté presque toute. Car les gens de l'Eglise ont si avilenné par leurs coulpes eux et leur estat, qu'ils sont ja desdaignez et des grands et des menus du monde : et les coeurs estranges de l'obeissance de sainte Eglise par la dissolution de ses ministres. Car, comme dit est, ils ont laissé les espousailles, mais ils ont reprins les illegitimes, vagues, et dissolues luxures. Je ne vueil plus avant eslargir ma parole. Car tant ont telles Constitutions de lieu, comme on y prent de plaisir. *Que a apporté la Constitution de non marier les Prestres, si non tourner et eviter legitims generation en advoultise, et honneste cohabitation d'une seule epouse en multiplication d'escande luxure ?* Se je disoye tout ce que j'en pense, je diroye plainement, que la gresse des biens temporels meslee du souffre d'envie, et la chaleur d'ambition et de luxure ont fait leur apprest pour mettre le feu en l'Eglise, etc. —Jo. Anton. d. S. Georgio, Professor of Civil Law in Pavia, Provost at Milan, lastly Cardinal, † 1509 ; in his *Aurea et Singularis Lectura super quarto Decretalium*, cum additionibus Benedicti de Vadis, Lugd. 1522, fol., we find, ad tit. vi. : *Qui Clerici vel vententes matrimonium contrahere possunt ; in the Rubrica*, where the editor is speaking, we read : *Tempore primitivae Ecclesiae licebat Presbyteris, et sic constitutis in sacris, uxorem habere, dummodo die celebrationis abstinerent a conjugibus. Postea in occidentali Ecclesia venit prohibitio, ut constituti in sacris deberent continere. Dicit hic Cardinalis (viz. Jo. Ant. a S. Georgio), quod dat materiam illaqueandi plures animas hoc praeceptum, et ideo credit, quod, sicut Ecclesia induxit hoc praeceptum continentiae, quod quandoque revocabit ; et erit conveniens dicto Apostoli revocatio, qui dixit : de virginibus praeceptum non habeo, consilium autem do.* Conrad Caltes, Professor in Ingolstadt and Vienna, † 1508, *Amorum lib. ii. Elegia 6* :—

Gregorius primi Friderici tempore regni,  
O quantum incauti pectoris egit opus !  
Ille sacris vetuit caelebs connubia lectis,  
Liberior vitis ut sacra vita foret.  
Nullus enim pudor est teneras violare puellas  
Et neque legitimas sollicitare faces.  
Quique uno quondam fuerat contentus amore,  
Illo modo plures rite fovere potest, etc.

Baptista Mantuanus, a Carmelite in Mantua, † 1516, *Fastorum lib. i. De s. Hilario* (Opp. ed. Antwerp. 1576. 8. t. ii. fol. 252) :—

Non nocuit tibi progenies, non obstitit uxor  
Legitimo conjuncta thoro, non horruit illa  
Tempestate Deus thalamos, cunabula, taedas ;  
Sola erat in pretio, quae nunc incognita virtus  
Sordet, et attrito vivit cum plebe cucullo.  
Propterea leges, quae sunt connubia contra,  
Esse malas quidam perhibent : prudentia patrum  
Non satis advertit, dicunt, quid ferre recuset,  
Quid valeat natura pati : cervicibus, ajunt,  
Hoc insuave jugum nostris imponere Christus  
Noluit, istud onus, quod adhuc quam plurima monstra  
Fecit, ab audaci, dicunt, pietate repertum.  
Tutius esse volunt, quae lex divina sinebat  
Isse via, veterumque sequi vestigia patrum.

than overbearing and covetous,<sup>15</sup> spread more and more among the laity; but at the same time a conviction grew up that all the corruption of the clergy arose from their wealth, and would not

Quorum vita fuit melior cum conjugē, quam nunc  
Nostra sit, exclusis thalamis, et conjugis usu.

Jo. Marius Belga (le Maire from the Hennegau, historian to King Lewis XII.), *De Schismatum et Concillorum Ecclesiae universalis Differentia*, written A. D. 1511, in the French language, translated into Latin by Simon Schardius, and subjoined to his *Theodoricus a Niem* (Argentor. 1609. 8. p. 571 ss.). Pars i. c. 2: *Tria praecipue Ecclesiae universali magnum damnum attulere, nimirum ambitio, avaritiae mator, omissio seu neglectus Conciliorum generalium, legitimi matrimonii sacerdotum in Ecclesia latina prohibitio: de quibus singulis ample fuseque in toto hoc opere dicetur.* With reference to the last subject he quotes passages from Chartier, P. iii. c. 15, and afterward remarks, cap. 16: *quantumvis diligenter investigarim, quo Papa auctore, vel cujus Concilii decreto conjugium sacerdotibus sit interdictum in Ecclesia latina, id tamen nusquam invenire potui. Alii siquidem id tempore Gregorii septimi, monachi Cluniacensis, factum esse tradunt:—alii id multo ante factum esse existimant in Concilio Nicaeno, cujus tamen decreto Graeci subscribere noluerunt: in Belgico, seu inferiori Germania sentiunt, id auctore Papa Calixto factum, et ad hoc versiculos hosce, cum barbaros, tum ridiculos allegant:—*

O bone Calixte, nunc omnis Clerus odit te  
Olim Presbyteri poterant uxoribus uti:  
Hoc destruxisti, tu Papa quando fuisti:  
Ergo tuum festum nunquam celebratur honestum.

Polydorus Vergilius from Urbino, long resident in England, † 1555, *De Rerum Inventoribus* (it appeared first Bonon. 1499. 4), lib. v. c. 4: *Illud tamen dixerim, tantum abfuisse, ut ista coacta castitas illam conjugalem vicerit, ut etiam nullius delicti crimen majus ordini dedecus, plus mali religioni, plus doloris omnibus bonis impresserit, inuaserit, attulerit, quam sacerdotum libidinis labes. Proinde forsitan tam e republica Christiana, quam ex ordinis usu esset, ut tandem aliquando jus publici matrimonii sacerdotibus restitueretur, quod illi sine infamia sancte potius colerent, quam se spurcissime ejusmodi naturae vitio turpificarent.* The Bishop of Merseburg, Adolphus, duke of Anhalt († 1526), was also of this opinion; see the preface by George of Anhalt to the sermons of the false prophets; “*das unzüchtige ehelose Leben der Geistlichkeit war vor Augen. Derhalben gleichwohl mein Vetter, und Viel vor gut ansahen, dass man ihnen im Concilio den Ehestand wieder zulassen solte, weil sonst diesem Uebel nicht zu wehren.*”

<sup>15</sup> *Lavacrum Conscientiae*, cap. vi.: *Quid est ergo, quod caeteri homines cujuscunque status nobis infesti sunt? Certe non possumus dicere, quod haec sit causa, quod filii hujus saeculi persequuntur nos, tanquam filios lucis:—quia non sumus filii lucis sed tenebrarum.—Non occurrit nobis alia causa, nisi quod transgressores legis sumus, nec eam in corde diligimus, nec eam in ore praedicamus, nec etiam eam opere adimplemus: et sic abutimur sacerdotii dignitate.—Ubi enim major aemulatio peccatorum nisi in sacerdotibus, qui non solum in se omni iniquitate sunt pleni, sed etiam aliis sunt occasio peccandi et ruinae aeternae damnationis.—Nam si Presbyter sit avarus, usurarius, gulosus, etc., solum non sit luxuriosus; tunc ab omnibus hominibus habetur sanctus et honestus. Si vero de aliis vitiis est innoxius, sed vacet solummodo luxuriae, contemnitur ab omnibus hominibus tanquam presbyter vitiosus. Cap. vii.: *Et propter haec et his similia multi laicorum ab elargitione eleemosynarum et a fundatione beneficiorum retrahuntur. Sicque viluit sacerdotium et quotidie vilescit, et multi erubescunt Clerici fieri, vel suos permittere clericari: et si Clerici efficiuntur, tamen perversa intentione hoc fit. Nam divites hoc faciunt propter pinguiore praebendas, pauperes vero ideo, quod leviori et meliori modo se nutrire possunt. Compare Trithemius *Instit. Vitae Sacerdot.* cap. iv., above, note 1.**



be checked, until they had forfeited all their worldly possessions.<sup>16</sup>

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### THIRD CHAPTER.

#### HISTORY OF MONASTICISM.

##### § 140.

###### EFFORTS FOR REFORM IN THE MORE ANCIENT ORDERS.

The decay of monastic life could not remain unnoticed in this period,<sup>1</sup> so earnest in designs for reform; and it abounds no less with lamentations over the corruption than with labors for the reformation of the monastic houses. The Synod of Constance began the work by summoning a provincial chapter of the German Benedictines, the first for a long time, to be held under its own su-

<sup>16</sup> See Juliani Card. Epist. ad Eugen. IV., § 132, note 6. Andreas, Episc. Megarensis, § 132, note 19. The decree of the so-called *Reformation* of Frederick III. (compare note 14, above), Goldast's *Reichsabsatzung*, s. 280): Es ligt am Tage, dass uns die Geweihten mit guten Worten umb unser recht Patrimonium mit hinderlistigen Worten bracht haben, auch unsere Voreltern also verblindt und uberredt, sie solten mit ihrem väterlichen Erbe das Himmelreich erkauffen.—Gebendt ihr (Pfaffen) den armen dorfftigen und ausserwehlten Kindern Gottes ihr vatterlich Erb, das ihr ihnen vor Gott schuldig seydt, so möcht auch vielleicht Gott die Genad thun, dass ihr euch selbs erkennen würdent. So ihr aber das Euer lieber Huren und Buben mithailt, wann den Kindera Gottes, und den ihrs von Recht schuldig seydt, so sind dess sicher, Gott wirdt euch nach ewerm Verdienst lohnen: wann ihr habt die gantz Gemain im Reich beschwerdt und uberladen. Nun kumbt die Zeit, dass ewere Güter, als der Feinde Güter, gebeut und aussgethailt werden. Wann als ihr die Gemeyn beschwert haben, also wirdt sie auch uber euch uffstehen, dass ihr kayn bleibende Stat nindert wissent. [See Appendix for a translation of this passage.] Gravamina Ord. Equestris in Bavaria Georgio ducis Landshutensi, ann. 1499, exhibita in the Bibliotheca Hist. Goettingensis, Th. 1, 1758. 4. s. 289: plura tributa et praedia cum possident Ecclesiastici, quam Principes et Nobilitas sua, fere omnia suae subjiciunt avaritiae; et licet, ut ait divus Hieronymus, temporalibus augmentis spiritualia etiam in dies augmentari deberent, ea tamen magis atque magis diminuuntur, et omnino obliviscuntur Ecclesiastici illi majorum nostrorum, qui eos ditarunt.—Religio peperit divitias, sed filia conspiravit in necem parentis; crescit animus, crescunt affectus. Jo. Marius Belga, De Schismat. et Concill. P. 1, labors to show (see P. i. c. 1), quomodo opes Ecclesiae datae, maxime a Constantino M. et successoribus ejus, Pipino, Carolo M., Ludovico Pio, et aliis, etsi primo sub specie sanctitatis, probitatis et castitatis sint partae, nihilominus tamen postea pessimos fructus prodixerint, nimirum superbiam, arrogantiam, fastum, haeresin, principum contemptum, tyrannidem in subditos, impudentiam, aliaque ejus generis vitia complura. Compare Alain Chartier, note 14, above.

<sup>1</sup> Compare above, § 111. The Carthusians alone formed an exception; see Jo. Buschius, De Reform. Monasteriorum, lib. iii. c. 32, in Leibnitii Scriptt. Brunsv., ii. p. 335:

perintendence, in 1417.<sup>2</sup> This example encouraged similar efforts in several countries;<sup>3</sup> but the Council of Basle was the first to succeed in producing any important results. This council brought about the reform of the regular canons in Germany by the general chapter of this Order at Windsheim;<sup>4</sup> simultaneously with this, a

Carthusia a prima sui institutione semper in observantia regulari permansit propter tria, videlicet solitudinem, silentium et visitationem ut patet in hoc versu :

Per tria So. Si. Vi. Carthusia permanet in vi.

<sup>2</sup> This was a Capitulum provinciale monachorum nigrorum Provinciae Moguntinensis et Dioecesis Bambergensis; see Trithemii Chron. Hirsaug. ad ann. 1417, t. ii. p. 346 ss. The acts of this chapter may be seen in Trithemii Opp. Pia, ed. Busaeus, p. 1030 ss., more fully in Von d. Hardt, Conc. Const. i. xxvi. 1086 ss. That most important decrees for reform of monastic life were prepared at Constance is evident from the Reformatorium (see § 181, note 13), in v. d. Hardt, 1, x. p. 703 ss. However, this remained a mere proposal.

<sup>3</sup> See Capitulum provinciale nigrorum monachorum apud Westmonasterium, ann. 1422 (in Mansi xxviii. p. 1087). Concil. Parisiense, ann. 1429, c. 12 ss. (l. c. p. 1102.)

<sup>4</sup> The chief work on this subject is Jo. Buschius (from Zwolle, in 1419 canon at Windsheim, afterward prior of Sulta in Hildesheim, provost of the monastery of Neuwerk at Halle, and again prior at Sulta, † 1479), De Reformatione Monasteriorum quorundam Saxoniae, lib. iv. in Leibnitii Scriptt. Brunsvic., ii. p. 476 ss., and p. 806 ss. The monastery of Windsheim, in Zwolle, was the most celebrated of the houses of regular canons, which were connected with the *fratres vitae communis*, and the seat of the general chapter, which assembled annually from all these monasteries. Strictly as these canons maintained the accurate observance of their rule, they were no less widely removed from overstrained laws of abstinence. Jo. Busch Chron. Windesemense (ed. Herib. Roswey-dus, Antwerp, 1621. 8.), lib. ii. c. 5, p. 276, relates, duo fratres in Windesem propter hujusmodi rigidam abstinentiam et occultam alimentorum sibi necessariorum subtractionem cerebrum et naturalia conturbantes, rationis facti sunt impotentes.—Perpendentes igitur Patres nostri et seniores, hujusmodi rigidam abstinentiam pro animarum non esse salute, nec corporum sanitate, sed in personarum et Ordinis nostri perpetuam vergere destructionem,—plenam dederunt licentiam omnibus fratribus et familiaribus suis bene comedendi, et de cibariis quae dantur in communi quantum poterant sine scrupulo et cum bona conscientia libere assumendi, immo etiamsi noluerunt, natura ne deficiat, ad sumendum compellendi.—Unde et mos apud nos inolevit, ut, cum Clericus quis ad religionem se suscipi deprecatur, tria primum puncta ab ipso interrogentur, videlicet an bene possit comedere, an possit bene dormire, et an velit libenter obedire: quoniam in istis tribus punctis fundamentum perseverantiae in religione consistit, et cum ex praemissis unum defuerit, ad religionem aptus et idoneus non erit. The great repute of this fraternity caused them to be soon summoned to the reformation of other houses of their order in the Netherlands and on the Rhine. In Lower Saxony the monastery at Wittenburg, in the Hildesheim district, was the first to be reformed by them, 1423 (Busch, De Reform. Monast., i. c. 11, p. 488). The Council of Basle thereupon (1436) intrusted the Priors of Windsheim and Wittenburg with the reformation of the fraternities and sisterhoods of their order—in Ducatu Brunsvicensi, ac Hildesemensi, Halberstadiensi, Verdensi dioecesi, and granted them the fullest powers for this purpose (see the commission in Busch, p. 486). John Busch went, in 1487, as subprior, to Wittenburg; he was afterward employed, 1489, first in the reformation of the monastery of Sulta in Hildesheim (l. c. p. 491 ss.), and was actively engaged from this time forth, for many years, as a reformer of several religious houses. Later still the canons of Windsheim, and Jo. Mauburnus at their head, were employed in the reformation of Augustin and Benedictine foundations in France; see Gallia Christiana, vii, p. 886, 1744; xii. p. 1770. Compare the correspondence between Mauburnus and Erasmus, *ibid.* vii. Instrum. p. 280.

reformation of the Benedictines of the monastery of Bursfeld was effected.<sup>5</sup> Thereupon the Cardinal, Nicholas of Cusa, made his appearance as Papal legate in Germany (1450, 1451), for the general purpose of bringing about a reformation in the Church, as far as Rome recognized the necessity of reform; he likewise favored these reformations of religious houses.<sup>6</sup>

However, notwithstanding all these endeavors, amendment could only be effected in solitary instances;<sup>7</sup> for the division of

<sup>5</sup> On this head, Busch, i. c. 43 ss., in Leibnitius, p. 841 ss. Trithemii Chron. Hirsaug., ii. p. 350 ss.; ejusd. Chron. Spanhemense in Opp. Hist. ed. Freheri, P. ii. 350 ss. J. G. Leuckfeld's *Antiquitates Bursfeldenses*, od. histor. Beschreibung des ehemal. Klosters Bursfelde, und der daher rührenden Bursfeldischen Societät Benedictinerordens. Leipzig u. Wolfenbüttel, 1713. 4. It was begun by John of Minden, who was present as monk of the monastery of Rheinhausen at the meeting of Benedictines in Constance, and from that time forth was very zealous in the cause of reform. Otto, the one-eyed, duke of Brunswick, made him abbot of the house of Clus, in Gandersheim, in 1430; he reformed it, and likewise the monastery of Bursfeld, of which he became abbot in 1433. Then he entered into a combination with John Rode, abbot of the monastery of St. Matthias in Trèves, who had distinguished himself by a similar zeal for reform: the combination of these two houses laid the foundation for the Bursfeld Congregation. Many Benedictine houses in Saxony and Westphalia were reformed from Bursfeld; many on the Rhine from Treves (see the author's [Gieseler's] *Symbolae ad Hist. Monasterii Lacensis ex codd. Bonnensibus de promptae*. Bonnae, 1826. 4. p. 8 ss.), which afterward united themselves to that league. The reformed *Canonici regulares* also assisted in these reforms; see Busch, i. c. 46, p. 844 ss. The same Busch, i. c. 43, p. 841, relates, *Praefati patres Johannes* (of Minden, whom he calls *De Northem*), et *Rembertus* (prior at Wittenburg), a *Concilio Basileensi bullas impetrarant, ut unusquisque eorum sui Ordinis monasteria sexus utriusque per Saxoniam et Ducatum Brunsvicensem assumpto adjutorio cum invocatione brachii saecularis possent reformare: et cuncta ad id necessaria in bullis eorum sunt expressa, videlicet ut per censuras ecclesiasticas eos ad se reformandum possent compellere cum invocatione brachii saecularis, cum absolutiōibus a sententiis quibuscunque*. He, indeed, places the issue of these bulls before the time of the reformation of the monastery of Clus, at a time when the Council of Basle was not yet assembled: they probably both belong to the year 1435; see note 4. The council issued renewed summons and instruction for the reform of the Benedictine houses, dd. x. Kal. Martii, 1439 (Trithemii Opp. Pia, ed. Busaeus, p. 1016 ss.).

<sup>6</sup> Accordingly he granted to John Busch, provost of Neuenwerke, and Paul, provost of the monastery of St. Maurice in Halle, 1451, full power to reform all monasteries of the *Canonici regulares per provinciam Magdeburgensem et Moguntinam, Saxoniam et Thuringiam*; see the documents in Busch, iv. c. 2, p. 956. The object of the reformation is here given as follows: *Volumus, quod omni diligentia hujusmodi visitatores invigilent, ut tria substantialia omnis Religionis, scilicet paupertas, castitas et obedientia, exactissime observentur, et uniformitas habitus ac morum in vestro Ordine ubique observetur; ita quod nemo Canonicorum regularium Ordinis vestri utriusque sexus professus—sine Roqueto* (in Italian, *rocchetto*, surplice) *romano cum manicis deinceps incidere praesumat, omnibus dispensationibus—non obstantibus.*

<sup>7</sup> Jo. Niderus (prior of Dominicans at Basle, † 1438), *De Visionibus ac Revelationibus* (or *Formicarius*), i. c. 7, ed. v. d. Hardt, Helmst. 1692. 8. p. 97: *De reformatione particulari in civitate Ecclesiae possibili in multis statibus et religionibus non dubito. Quin easdem indies introduci videmus in quibusdam monasteriis et conventibus, sed cum quanta difficultate, novit altissimus. Si enim praesente generali Concilio in Basilea annis sex nec unum quidem fragilis sexus monasterium cooperante etiam saeculari cons-*

the revenues which had been introduced into most of the foundations, and the independence and freedom from restraint which ensued, had now too great a charm for the monks.<sup>8</sup> At Constance, a Cistercian even undertook to justify in form the possession of private property by monks.<sup>9</sup> And thus even afterward the most

latu reformari potuit propter quorundam inhabitantium vitam malam et eisdem junctam saevitiam: quid quaeso sperandum est de virorum nobilium vel literatorum collegiis, qui ruinas et deformitates suas, in spiritualibus existentes domibus, non modo armis chalybeis, sed etiam quae deteriora sunt verbalibus et ligneis possunt defendere! The Augustin eremita, Jo. Schiphower de Meppis, in 1504, says in his Chron. Oldenburgensium Archicomitum, in Meibomii Berum Germ., t. ii. p. 170, ad ann. 1426: Circa haec tempora reformatio magna plurimorum monasteriorum in diversis, mundi partibus fuit. Et nota, quod hujusmodi reformationes leguntur factae, sed pene nulla remansit, quip solito more per successum temporis ad pristinum relaberetur languorem post venerabilium patrum mortem.

<sup>8</sup> Compare the description which Buschius, l. c. 4, p. 480, gives of the state of things in the monastery of Ludinkerka, in Friesland, before it was reformed through Windshelm, A. D. 1428: Ante reformationem pauci ibi fuerunt sacerdotes, et plures conversi ultra XXX. aut L., qui pactum fecerant cum conversis Conniani monasterii Ordinis Cisterciensis ad unum milliare inde distans, quod mutuo se juvare vellet cum centum viris armatis: idcirco totam illam Frisiae partem sibi subjugaverant. Quidam autem Vasallus circa monasterium in castro habitans—restitut ad Episcopum Trajectensem de mala et pessima eorum vita, quorum nullus erat continens, et omnes proprietarii, habentes secum moniales in monasterio, quae aliquando impraegnatae genuerunt. Cognovi ibi Abbatem, cujus pater conversus dictus fuerat, mater vero monialis.—Episcopus autem Fridericus de Blankenheym, vir prudens et literatus misit illic Ambasiatores suos,—qui personas dicti monasterii visitantes, invenerunt omnes pene conversos sine regula et professione ibi intrasse, et usque tunc in praesens ibidem permultos annos sic permansisse. Quaerentes autem, quomodo ad habitum conversorum assumendum pervenissent, responderunt: quam primo hic intravimus, plures hic vidimus alba tunica et scapulari indutos, et tamen in armis bellicis expeditos. Comparavimus igitur etiam nobis album pannum, unde tunicas albas, caputia alba, scapularia nobis fieri procuravimus, et per nos ipsos eas induimus. Interrogarunt, an aliquid audissent de regula? Responderunt: nunquam, sed unusquisque nostrum aut monialem, aut conversam, aut aliam mulierem sibi assumpsit, cum qua sine copulatione matrimonii dormivit. True, the case was not so bad in all monasteries, but private property held by individual monks (hence called *proprietarii*), unchastity, secular mode of life, and neglect of the monastic order were to be found in all unreformed houses.

<sup>9</sup> Anonymi Ordinis Cisterc. Propositio Affirmativa, in Constant. Conc. ann. 1417, oblata et examinata, quod monachi Cistercienses possint propria possidere bona (in v. d. Hardt, Conc. Const., iii. p. 120 sa.) c. 1. Licitum et fas est interdum dispensare, quod monachus seu religiosus de scitu Praelati sui habet res temporales ad usum bonum et necessarium, quando cogit necessitas excusabilis, aut suadet utilitas notabilis. C. 5: For the prevention of discontent and murmurs—proficuum est, quod in retroactis temporibus Abbates vel fecerunt conventuum consensu tacite, vel expresse in rei veritate, vel saltem gratiose cum religiosis eis subditis, quod ipsi et eorum quilibet habeant et possideant aliqua pro victu et vestitu.—Non tamen sic possidentes de scientia, scitu et consensu Abbatis, tales sunt dicendi proprietarii. Quia solum possident ad usum et non ad proprietatem, et possident nomine monasterii, et non nomine proprio. (Then, c. 3: illud in Monacho est proprium, quod celatur Abbati. C. 5: That follows from 12, qu. 1. *Non dicitis*. Nam ibi textus dicit, quod nihil possidere possent sine Abbatis licentia. Ergo Abbatis licentia possunt). Cap. 6: Et sic quasi in omnibus monasteriis nostri Ordinis sive per statutum, sive per dispensationem, ut praedictum, consuetudo ino-

trifling pretexts were sought out to stave off the impending Reformation;<sup>10</sup> not unfrequently it had to encounter forcible resistance.<sup>11</sup> In fewer cases was the reformation undertaken with the

levit, etiam dudum pacifice observata et praescripta, propriis Praelatis et etiam Dominis Visitoribus scientibus et consentientibus. Quae consuetudo non debet leviter tolli, maxime ubi timetur verisimiliter scandalum plurimorum. Against this work appeared Magni Monachorum Visitoris Constitutio Negativa, quod monachi propria non debeant possidere bona (l. c. p. 130 ss.). The *Reformatorium* likewise declares itself opposed to the practice, and points out the evil effects of the possession of private property by monks (lib. iii. tit. x. c. 2, in v. d. Hardt, 1, x. p. 705): Cum abdicatio proprietatis ita monasticae professioni et regulae sit annexa, quod nec summus Pontifex contra eandem valeat dispensare; nihilominus tamen quamplures regulares personae utriusque sexus, et quasi indifferenter omnes, paucis duntaxat exceptis, salutis suae immemores interdum ante ingressum religionis et quandoque post, pecunia sibi industriale congregata vel recepta ab amicis et parentibus, necnon jura, possessiones, redditus, pensiones, portiones, praebendas, animalia, et alia bona emerunt, seu emi fecerunt et procurarunt; proprio et saepe nomine alieno multos contractus tanquam negotiatores exerceant; pecunias inde acquisitas, vel alias undecunque provenientes ad libitum propriae voluntatis expendunt: quamplures quoque hujusmodi pecuniam et alia praedicta contra scitum et voluntatem superiorum suorum occulte vel illicito tenent in suarum pericula animarum. Quorum praetextu et occasione ex tunc vestitum emunt, claustralia loca ad placitum deserunt, mansiones sibi seorsim procurant, victum et potum singularem extra conventualem locum sibi disponunt, vel in mensa communi in praesentia pauperum fratrum aut sororum eadem scandalose consumunt, reliquis fratribus aut sororibus, similia non habentibus, magnam egestatem cum amaritudine animi patientibus. Ex quibus surgunt invidiae, detractioes, rancores, scandala, applausiones, comesationes, inobedientia, incontinentia, aliaeque infinitae exorbitantiae regularis disciplinae. Allegantes, se posse hujusmodi abusos detestabiles de licentia et indultu suorum superiorum talibus consentientium, aut talia dissimulantium, licite exercere.

<sup>10</sup> Jo. Niderus (see above, note 7), De Reformatione Status Cenobitici (ed. Antwerp, 1611. 8. A summary of its contents may be seen in H. v. d. Hardt, Autographa Lutheri et Coaetaneorum. Helmst. 1693, Praef. p. 30 ss.), refutes, lib. 1, c. 4 ss. quindecim argumenta deformatum Clericorum et religiosorum, quibus se tumentur, ne a forma saeculi recedant, in the same number of chapters. Viz., objiciunt complexionis debilitatem; receptam consuetudinem; Praelatorum peccata; reformationem esse novitatem et singularitatem; esse expectandum cum reformatione usque ad generalem reformationem Ecclesiae; reformare esse Ordinem dividere, et notam personarum in eo ponere; se jactant vivere ut proceres eorum; objiciunt dispensationem eis datam; dicunt, necessaria in victu se non habere; objiciunt status nobilitatem vel dignitatem; timent sequi in divino officio personarum paucitatem; conqueruntur, reformationem sequi pacis turbationem; arguunt, sequi lapsum graviorem et apostasiam vel hujusmodi; ostendere nituntur, quod ex laxa vita majora sequantur bona quam ex reformatione; objiciunt, modum procedendi in reformatione ineptum. Lib. ii. c. 9, also is worthy of notice on the question, unde proveniat, quod communiter omnes in Ecclesia clament reformationem debere fieri, et tamen fere nullus, quando reformari incipitur, id ferat. With regard to the difficulties of the reform of the Camaldulensian Order, the works of Ambrosius, who was general of the Order from the year 1431, † 1439, viz., the *Hodoeporicon*, ed Florent., 1678. 4, the description of his visitation-circuit, and, Epistolarum lib. xx., in Martene et Durand Veterum Scriptorum Amplissima Collectio, t. iii. p. 1 ss., compare Méner's Lebensbeschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissensch., Th. 2, s. 222 ff.: with reference to the regular canons and Benedictines the work of John Busch may be consulted.

<sup>11</sup> When, at the reformation of the Benedictine monastery of St. Godehard, in Hildesheim, John Busch compelled the monk Herman Ylten, who refused to conform, to leave

the monastery, his brother sent him a letter of defiance (Jo. Busch, i. c. 50, in Leibnit. ii. p. 850: *frater ejus carnalis militaris, in Ducatu habitans Brunswicensi, literam diffidationis sigillatam mihi misit, ad me et fratres meos captivandum, occidendum, bona nostra diripienda, et domos nostras comburendas*), but he was forced to recall it by the bishop of Hildesheim, and the duke of Brunswick-Luneburg. When the monastery of St. Michael, in Luneburg, was to be reformed in 1470, the monks rang the alarm bell and roused the townsmen, so that the Duke Otto and the bishop of Verdun, as well as the abbots who were come to the reformation, were obliged to fly (Busch, i. c. 53, p. 852). When, about the same time, James de Fredis as prior, with certain reformed monks, was sent from Cologne for the reformation of the monastery of Laach, he was continually in peril of his life (see Jo. Boutzbach, from 1499 monk of this house, in the author's [Gieseler's] *Symbolae ad Hist. Monast. Lacensis*, p. 25: *in tantum sese irreformatis—opposit, ut solus ipse, utpote prae caeteris constantior, ipsis magis odiosus habitus fuerit et oneri. Hinc saepe conclave illius effringente, eumque effugante, evaginatis gladiis de dormitorio per fenestras fugientem persecuti sunt*), and was forced after one half year to fly to Treves with his followers (l. c. p. 24). The elector of Treves was then obliged to have the obstinate monks ejected by his lieutenant, cum assumpto sibi exercitu (l. c. p. 27). The nuns gave the reformers almost more trouble. The canonesses of Wennigsen told William, duke of Brunswick, and the reformers to their faces (Busch, ii. c. 1, p. 858): *nos omnes pariter conclusimus et simul juravimus, quod nolumus nos reformare, nec regulam nostram observare: rogamus, ut non faciatis nos perjuris*. Then they raised a hymn of imprecation: *exeuntibus nobis de choro circa dormitorium, moniales statim omnes extensis brachiis et pedibus in modum crucis ad pavementum chori super ventres suos se posuerunt, et altissimis vocibus antiphonam: Media vita in morte sumus, per totum exclamaverunt. Nos autem hujusmodi voces audientes putabamus, responsorium fuisse: revelabunt coeli iniquitatem Judae. Unde Dux terribus totam suam terram metuebat interire*. Next the knightly kinsmen of the nuns came forward to intercede. When this measure also proved vain, the nuns shut up their convent, and would not allow the duke to come in again, so that the door had to be broken down. They were only brought to submission by the threat that they would be immediately carried off in carriages standing ready. But on the next day they changed their minds again, and the duke, who had already taken his departure, had to return with an armed band, to force them to submission once more. One nun was so affected by this that she—statim corruens in terram, sensus suos amisit. However, this was immediately regarded as a miraculous punishment, and made the rest more submissive. But when they were required to produce their private effects, many of them were so indignant that they—ollas suas tam valide a se projecerunt, ut pedes earum ad pavementum confringerent. Busch, on his return, was twice attacked by armed men, and escaped with considerable difficulty. In the Cistercian convent of Mariensee also (l. c. c. 3. p. 862 ss.), the nuns raised the hymn of imprecation, in choro incipientes antiphonam: *Media vita super nos altissimis vocibus decantaverunt, et per Ecclesiam cum tallantu nos prosequentes, etiam candelas de cera ardentis super nos et contra nos in terram projecerunt: et una juvencula, extra Ecclesiam super cimiterium nos secuta, cum cantarent: Sancte Deus, Sancte fortis, sancte et immortalis, etc., trina vice cantando, genibus flexis etiam terram in signum nostrae maledictionis ter momordit, et lapides ac terram post nos projecit*. Then they fled to the arches, super testudinem chori et Ecclesiae satis alte et late conscenderunt, and could only be induced to come down and deliver themselves up by the threat to transport them immediately out of the country. Busch, prior of Sulta, was to reform the neighboring convent of Derneburg, but he found great difficulty in the task (l. c. c. 13 ss. p. 874 ss.). The nuns gave away their means of subsistence (c. 14), ut dicere nobis possent, quod non haberent, unde in communi viverent, et ita earum reformatio propter paupertatem impediretur. Etiam per hoc efficere gestiebant, ut parentes et cognati earum, qui annuos eis redditus dare consueverunt, jure haereditario aut alias apud se dispositos ante reformationem, quando in propriis vixerunt; post assumptam communem vitam tales eis redditus dare denegarent, communitatem nutrire nolentes, qui proprias filias seu neptes de propriis bonis suis libenter enutri-

free consent of the monks: more generally it had to be enforced by the secular princes or the bishops,<sup>12</sup> or else it was necessitated by the poverty into which the monasteries had been betrayed by wild licentiousness.<sup>13</sup> Nevertheless, though the severest meas-

urant. Busch was attacked with a long knife by a man who wished to rid the nuns of the troublesome reformer. When he visited the separate cells of the nuns, one of them let him go first into hers, then she shut to the spring-door and kept him prisoner a long time. De caetero nunquam in aliquo Monialium monasterio in aliquam clausuram praecedere volui, ne mihi aliquid simile ibidem contingeret, praesertim unde leviter exire non potui. Sed quando duae vel tres me praecedebant, tunc eas bene sequebar. Una sola praecedens non mihi sufficiebat, ne cum una sola ad tempus me recluderent, dicentes super me, quod non cogitassem. At last, after three years, the nuns contrived, by means of their kinsmen, that their reformation should be taken out of the hands of Prior Busch, and given over to the Cistercian abbot in Marienrode. But he had most of them carried off into other convents, and introduced the Cistercian rule into their house.

<sup>12</sup> Otto, the one-eyed, duke of Brunswick-Lüneburg, Albert, duke of Austria, William III., duke of Saxony, were especially zealous in this cause. The latter decreed, in his ordinance, dd. Weissensee, 1446 (see above, § 137, note 1), in Schilter De Libert. Ecl. Germ., p. 809: So sollen und wollen wir auch Gott den Allmächtigen, syner werthen Mutter u. allen himmelischen Here zu Lobe u. Ere getreulich darnach erbeiten u. allen Fleiss thun,—dadurch alle geistliche Clöster in unsern Landen reformirt u. wieder zu redelicher geistlicher Regierung bracht werden, eyn igliches nach Ussatzunge u. Regela sines Ordens. Compare the decrees of the Bishop of Halberstadt, and William, duke of Saxony, both A.D. 1451, in Busch, iv. c. 4, 5, p. 959. Compare J. G. Reinhard, De Jure Principum Germaniae, cumprimis Saxoniae circa Sacra, p. 139 ss.

<sup>13</sup> Jac. Junterburgii (see § 136, note 31), De negligentia Praelatorum, lib. in Walchii Monumenta Medii Aevi, II. ii. p. 109: Divitias peperit—religio,—proleque vastata mater, nec proles beata, dum disciplina cessat, regnatque similitas, i. e. hypocrisis, deficit Ecclesiae virtus pariterque facultas. Nam aperte videmus, quod monasteria olim in reformatione opulentissima jam adeo depauperantur, quod etiam cum pauco et tenui victu parietes et tecta aedificiorum a ruina conservari non possunt. Et ubi quondam reformationis tempore LXX. aut plures fratres commode nutriebantur regnantibus nondum proprietariis, octo aut decem vix educari possunt sine penuria. In hoc manum Domini contra proprietarios ad ulciscendum manifeste cernimus armatam. Deficiente nunc causa donationis temporalium bonorum, scil. magna antiquorum patrum devotione et vitae sanctitate, propter quam bona collata sunt, deficere et cessare debet effectus in ipsa bona temporalia, ideo non immerito eis modo auferuntur. The contrary result also often occurred, Buschius, i. c. 52, p. 852: in monasteriis, ubi ante reformationem vix decem aut duodecim homines de bonis Monasterii vivere poterant et se nutrire, vidimus post reformationem plus quam quinquaginta aut centum in copia omnium rerum abundantissime se nunc nutrire. Thus events such as the following occurred; see Bern. Wittii (Benedictine monk at Liesborn, about 1517) Hist. Antiquae Occidentalis Saxoniae, seu nunc Westphaliae, Monasterii, 1778. 4. lib. viii. p. 558, ad ann. 1460. Eodem fere tempore in ipsa item Padeburnensi diocesi in monte dicto Hallesberge (Jacobsberg), in desolata quadam Ecclesia, nescio cui opillioni revelationem factam fuisse vulgatum est, quasi S. Jacobus, ejusdem Ecclesiae patronus, se ibi, prout in Compostella Gallatae haecenas, peregrinis suis patrocinium concessurum spondisset. Curritur certatim ad locum, prodigia et signa ibidem fieri publicatur, multa a peregrinis pecunia defertur. Fuere tamen, qui rem profundius ruminarent ac dicerent, nullum unquam ibidem verum miraculum factum fuisse, illusione diabolica rem procuratam, ut scilicet novam jam assumptam in Corbiensi monasterio reformationem eliminaret. Locus enim Corbiensi monasterio subjectus erat; hoc ipsum autem monasterium jam diu a regulari observatione defecerat, unde aliquando necessariorum defectu reformationem accipere aut loco cedere artati sunt. At Abbas S. Jacobi thesauris ac peregrinorum oblationibus sustentatus aratrum deseruit,

ures were employed, again and again, to humble the headstrong monks,<sup>14</sup> it was still impossible to expect a general reformation of all religious houses, and complaints of the corruption of monasticism never ceased during this period.<sup>15</sup> Accordingly, the re-

ac post tergum vidit, et membratim habentes unde voluptuose viverent, expulsis qui reformationem inducere laborabant, quam ob causam in sanctioris vitae propositum consensissent, docuerunt. Eliminata autem religione iterum inchoata, paulatim et miracula et peregrinationes solitae cessaverunt. Corvey accepted the reformation again in 1486, and joined the Bursfeld congregation.

<sup>14</sup> As for instance by Albert, duke of Austria; see Busch, iii. c. 22, p. 928, De Reformatione per Suspendium: When a certain Benedictine abbot was unable to induce his monks to reform, Albert had them all summoned to a chapter, and asked them solemnly one by one whether they would submit. Those who refused were to withdraw; but the Duke had already charged his servants, ut quemcunque de domo Capituli exire viderent, statim apprehenderent, et funem, ad collum ejus ligarent, et in domo ad hoc deputata ad trabes suspenderent. Cap. 24: *Reformatio facta per flagella*. Another abbot, who could not tame certain refractory monks, by the advice and with the help of this same Prince, had them seized, magnisque catenis, manicis et compedibus pedes et manus eorum constringens, ad postes dormitorii eos fecit astringi et affigi. Divinorum autem tempore quando in choro horae cantabantur, libros cantuales jussit eis anteponi, ut ibi horas cantarent canonicas, quas in choro cantare recusabant. Qui ibidem cantare noluit, tam diu, scapulis denudatis, magnis virgis caedebatur, seu etiam vestibus usque ad cingulum dimissis vel ultra, donec poena urgente carne cuteque laceratus cantare compelleretur. Tempore refectiois fratrum conventualium fecit similiter. Cibum et potum jussit eis tunc anteponi, et si manducare nollent, fecit eos acerrime vapulare, donec cibum attingentes manducarent et biberent, ut jubebantur. Cumque per aliquod tempus die ac nocte ita cantare cogentur, et suo tempore manducare, horum exactoribus cum virgis recentibus carnes eorum exsulantibus et livore conficientibus; tandem de necessitate fecerunt virtutem, promittentes, sponte et libenter se velle in choro cantare, et in refectorio comedere, ut ab iis plagis possent liberari; regulam quoque suam et tria substantialia libentissime se velle amplius servare, nec de teneritudine, impotentia aut perversitate aliqua amplius facere querelam, sed in cunctis se libenter velle obedire.

<sup>15</sup> On the corruption of monasticism in Switzerland during the fifteenth century, see Joh. v. Müller u. R. Glutz Blotzheims Geschichten Schweizer Eidgenossenschaft, continued by J. J. Hottinger, Bd. 6. Zürich, 1825, s. 254 ff. On the corruption in France, see Joannes Raulinus (Doctor of Divinity in Paris, afterward Cluniac monk, † 1514), Oratio de Reformatione Cleri ad Capitulum generale, ed. Basil. 1498 (see the extracts in the Auctarium Catal. Test. Veritatis, p. 113). Guido Juvenalis (a Benedictine, afterward abbot of St. Sulpice at Bourges), Reformationis Monasticae Vindicinae seu Defensio. Paris, 1508. On Germany, see Geiler v. Kaiserberg's Leben, Lehren u. Predigten, dargestellt von F. W. Ph. v. Ammon. Erlangen, 1826, s. 92. Wolfgangus Aytinger, an ecclesiastic at Augsburg in the work: Methodii, Euboici praesulis, Suspiria pro Reformatione, et Querelae de Corruptione Ecclesiae. Basil. 1504. The reformations also often lasted no length of time. Compare Valerius Anshelm's (physician of the town of Bern) Berner Chronik, edited by Stierlin u. Wyss, Bd. 1 (Bern, 1825). Page 99, he relates how the city clerk of Bern was sent, in 1474, to the Pope, for indulgences, item und sunderlich Gewalt, und Fryung zu erwerben, die ungeistlichen Korherren zu Interlappen ze begwaltigen und ze reformiren. Da ward der Bot wohl, doch nit on Geld, wohl empfangen, Doctor der geistl. Rechte geheissen, und mit Ablass und Gewalt heimgefertigt. Da wurden die Interlappen-Korherren, die sich geistlichs Lebens heftig sperrtten, mit ihrem Brobst—dahin gebracht, dass ihr etlich gefangen,—mit den Ledigen gan Bern geführt, mussten schweren und verschryben, ein lobliche Stadt Bern für ihren Kastenvogt—ze haben; item und die Reformation anzunehmen, und ze halten, nach



formed houses of the same order found it advantageous to meet in separate congregations, in which provision was made for the maintenance of the reformation by a special supervision.<sup>16</sup> Among these the Bursfeld Congregation of German Benedictine houses obtained the highest repute.<sup>17</sup>

In the *mendicant orders*, also, discipline had sunk so low that reformation was as necessary in them as in the others. Hence, in the Franciscan Order, the Observants, who had been hitherto regarded with mistrust, were brought to honor. The Council of Constance confirmed them; and they gradually received privileges above all the other Franciscans, the so-called Conventuals.<sup>18</sup> In other mendicant houses the efforts for reform met with as many difficulties, and as much resistance, as in the monasteries of the other orders.<sup>19</sup>

Anwysung der geistlichen Korherren Sant Augustins Ordens, ihnen von Sant Lienhard von Basel zuverordnet.—Bestund nit lang, ward loser dan vor je gewesen, auch hiemit vil müh und Kostens verloren. How fruitless were the labors of the landgrave William III. to reform the Hessian monasteries, may be seen in Rommel's *Gesch. v. Hessen*. Th. 8, Abth. 1 (Cassel, 1827), s. 180 ff.

<sup>16</sup> Thus, among the Benedictines, the Congregatio S. Justinæ, which was founded by Lewis Barbo in the monastery of St. Justina at Padua, and confirmed by Martin V. in 1417, spread far and wide in Italy; but from the year 1504, when the monastery of Monte Cassino joined it, it took the name of the congregation of Monte Cassino. *Histoire des Ordres Monastiques* (par Hippol. Helyot), à Paris, 1714. 4. t. vi. p. 230 ss.; there was also the congregation of Valladolid, which took its rise from the monastery of St. Benedict in Valladolid, l. c. p. 236 ss.; the congregation of Sicily, which was formed in 1483, but united itself in 1506 with the congregation of Monte Cassino; t. v. p. 56 s. Among the Cistercians there was the Congregation of the Observance in Spain, founded by Martin de Vargas, in 1425, t. v. p. 382 ss.; the congregation of St. Bernard, in Tuscany and Lombardy, founded in 1497, l. c. p. 388.

<sup>17</sup> See note 5. In the year 1506 seventy-five religious houses belonged to it; their names are given by Trithemius, *Chron. Spanheimense*, ad ann. 1429 (Opp. *Hist.* ed. Freheri, P. ii. p. 351); but about 1630 there were 142 monasteries for monks alone; see the *Designatio in Leibnitii Scriptt. Brunsv.*, ii. p. 972 ss.

<sup>18</sup> Compare above, § 113, note 15. In the bull of confirmation by the Council of Constance, 23d September, 1416 (v. d. Hardt, iv. p. 515 ss.), it was enacted that the Observants should be under the immediate control of a Vicarius *ministri generalis*, to be chosen from among themselves. And, in like manner, they were to have in each of their provinces a Vicarius *ministri provincialis*. Afterward the two Observants, Bernardinus Senensis, in 1438 Vicar-general for Italy, † 1444, and Joannes Capistranus, his successor, † 1456, both of them effective orators, in the odor of sanctity, did much for their order. At last, in 1517, Leo X. granted to the Observants the sole right of electing the general.

<sup>19</sup> Jo. Niderus (see above, note 7), *De Visionibus ac Revelationibus*, i. c. 7, p. 100: Scio præterea Ordinem inter mendicantium Ordines (he probably means his own, the Dominican Order), cui Deus jam ante decennium providit de duobus bonis et benevolentissimis capitibus, quorum unus generalis Magister est totius sui Ordinis, alius vero provinciam grandem regit. Uterque zelator est reformationis tam validus, ut se pro es et pro suo grege plus simplici vice, ad resistendum sæcularibus, mortis periculo subjece-

rit. Et tamen uterque modicum profecit in subditis. Paucos enim conventus reformare potuerunt, quibus velle adiacebat de omnibus, sed propter inobedientem materiam perficere nequiverunt. Among the mendicants there was often licentious intercourse between the male and female establishments of the same order (the Conc. Mogunt. ann. 1455; in Hartzheim, v. p. 489, had to condemn the position, quia sanctimonialis professa, si carnis tentatione et humana fragilitate victa, castitatem servare nollet, minoris culpae et facillioris veniae esset, si cum Religioso quam cum saeculari delinqueret), and also a more headstrong resistance to reform in proportion as their pride was swollen by the greatness of their privileges. Compare the reformation of the Franciscans and Clarissae in Heilbronn, which was effected by force in 1465; see C. Jäger's Mittheilungen zur schwäbischen u. fränk. Reformatiionsgesch. Stuttgart, 1828, Bd. i. s. 11 ff. Compare also the reformation of the Franciscan monastery at Ulm, and of the convent connected with it, which was brought about likewise by force, A. D. 1484, and not until after a struggle of fifty years; see Schmidt u. Pfister Denkwürdigkeiten der Würtemberg. u. Schwäbischen Reformatiionsgeschichte, Heft 2, Tübingen, 1817, s. 12 ff. With regard to the nugatory efforts for reform in Hesse, see the letter of the landgrave, William III., to Pope Alexander VI., dd. 16th February, 1493 (Beurkundete Nachricht von dem Kloster-Hauss Schiffenberg, 2ter Theil. Giessen, 1755, fol. Beilagen, no. 193): Consideranti mihi jam dudum, multa praeclara monasteria in temporali dominio meo—fundata et dotata jam proh dolor diebus istis tam miserabiliter a regulari vita defecisse, quod ne vestigium ullum pristinae honestatis et sanctitatis remanserit, imo declinasse ad tam abominabilem et bestialem vitam, quod justius scurrilitatum receptacula quam monasteria et domus orationum nuncuparentur: haec inquam mihi cum gemitu consideranti, et correctionem talium a Praelatis eorum requirenti Magister provincialis fratrum minorum tandem aliquo modo satisfacere temptavit, monasterium b. Francisci in oppido residentiae meae Marburg in tribus annis quater reformans. Semper eo recedente novissima pejora prioribus: tandem meliores quique locum deserentes ad Observantes se transtulerunt solis pessimis remanentibus. Quapropter videns me delusum, S. V. praedecessori pro opportuno remedio humiliter supplicare disposui: tum subito axoritur desiderabilis rumor, advenisse scilicet Dom. Raymundum quandam cum plena potestate reformandi etiam quaecunque monasteria. Aditur, rogatur, consentit et mandat ceteris Praelatis de reformatione quorundam monasteriorum, scil. b. Francisci in Marburg et de Gronenberg, necnon S. Dominici etiam in Marburg et in Treysa, ac S. Augustini in Alsfeldia, et in Heyne Cisterciensis Ordinis, Maguntinensis diocesis: dicens, se ad hoc sufficiente potestate per apostolica scripta munitum. Quid plura! credulus ego et laetabundus misi continuo ad Vicarium fratrum minorum de Observantia cum commissione et mandato praedicti Dom. Raymundi, petens, ut monasterium praefatum b. Francisci in Marburg vellet quantocius reformare. Vicarius vero cum desiderium meum intellexisset, viso mandato ait obsistere sibi adhuc, quod bullae cuidam Pauli II. praedecessoris vestri, quae Paulina seu bulla concordiae dicitur, non videretur de verbo ad verbum sufficienter derogatum. Quod audiens vehementer dolui, perseverans tamen misi anno nonagesimo lapsa ad s. Apostolicam sedem, humiliter petens indultum D. Raymundi approbari, et suppleri defectus bulla data. Sed totius boni inimicus Diabolus per se vel suos affuisse cognoscitur, ut allegatus defectus, qui erat ex parte Paulinae quoad fratres minores, tortuosi serpentis calliditate retorqueretur ad alia quaedam monasteria Regularissarum: sic enim sonat bulla, quod illa possint reformari non obstante Paulina.—Iterum illusum iterum Oratorem, scil. anno 92, ud Curiam misi, et relatum est mihi, quod obtinuerit signaturam. Sed Beatitudinis Vestrae praedecessore de hoc saeculo migrante, similiter et Oratore meo finiente vitam in urbe, rursus pium negotium frustratum est. Quapropter, beatissime pater, perpendat quaeleo clementer B. V. quotiens et quam diu frandatus sum a desiderio meo, et quantum perversis et impiis ex hoc factus sum in parabolam et derisum, quasi homo qui coepit aedificare et non potuit consummare: et dignetur tandem Vestra Apostolica Benignitas mihi et Oratori meo praesenti in tam pio negotio efficaciter assistere, ac per indulti Raymundi de praedictis virorum monasteriis approbationem, et defectus, si qui sint, maxime derogationis Paulinae ac alias necessarias clausulas de opportuno remedio providere: *ne suspicari cogar, quod ex industria hucusque illu-*

## § 141.

## AGENCY OF THE MENDICANT ORDERS.

The mendicant monks, notwithstanding their exposure to censure on the score of morality, still exercised a most varied and important influence;<sup>1</sup> they made use of this to support all the arrogant claims of the Papal See, from which alone they had received their unbounded privileges,<sup>2</sup> and to exalt their order more

*sus sim, et auferatur mihi et meis in antea credulitas et reverentia literarum et sanctorum Apostolicæ sedis, compellarque exercere potestatem saecularis gladii, si spiritualis, quam diu quaesiri, negabitur, quia tam gravem Dei contumeliam, et tam impiam fundatorum defraudationem, qui talibus absque dubio sua bona dare nunquam intenderunt, sed et derisionem meam nequaquam diutius perferam.* Comp. Rommel's *Gesch. v. Hessen.* Th. 3, Abth. 1, s. 130 ff.; Anmerkungen, s. 71 ff. Ulric, count of Wurtemberg, pleaded earnestly with the General of the Dominicans from the year 1476, for the reformation of the convents of this Order in his dominions: a female Dominican of this date records on this head, in Sattler's *Gesch. d. Herzogth. Wurtemberg*, Bd. 5, Beilagen, s. 173: do ward so vil verziehens und so langs umziehn, also das man mit diser sacht zwey Jahr umgieng, und vast vil botschaft mit bitten, geschriben, die wart gesendet wider und für mit vil kosten und arbeyt, e es zu dem anfang kam, das vil davon zu sagen und zu schriben war: still the reform was set on foot; see Sattler, Bd. 4, s. 146 ff. On the other hand, in the Dominican houses of Switzerland a free and licentious course of life prevailed unchecked; see Müller's *Schweizergesch.*, in the continuation by Hottinger, Bd. 6, s. 264. Congregations of reformed houses were established in the Dominican Order also; thus there was the congregation of Aragon and the Lombard congregation; see Helyot, iii. p. 225 ss. In the Carmelite Order, John Soreth, general of the Order from 1451, was active in the cause of reform; but he was poisoned in the monastery at Nantes in 1471, by way of recompense for his zeal; see Helyot, i. p. 323 ss.

<sup>1</sup> Erasmus, *Adagiorum Chil.* 2. Cent. 8. Adag. 65: *Malorum Mendicantium ubique maxima turba est. Hi sic sese per omne reipublicæ corpus sparserunt, ut nihil usquam agatur sine illis. Regnant in concionibus, quod peculiare munus Episcoporum; tyrannidem occuparunt in scholis, quod huc proximum munus; per hos ministrantur ecclesiastica Sacramenta, per hos sacerdotes sumus; hi plus quam censoria severitate pronunciant de fidei professione: hic Christianus est, hic Semichristianus, hic haereticus, hic sesquihaereticus; in horum sinus populus effundit occultos vitae actus, et secretissimas animi cogitationes. Nec his contenti sunt; nulla peraguntur Principum foedera, in quibus hi non agant partes. Sine his nullum contrahitur matrimonium; in theatricis certaminibus, in publicis sortibus agonothetas agunt: adeo nihil pudet. Denique nec mori licet absque istis. Nulla est aula Principum, in quam non irrepserunt. Si quod impudens facinus destinarunt Principes, per hos exequantur; si quid moliantur Romani Pontifices, quod paulo sit alienius ab apostolica illa et prisca sanctimonia, horum potissimum utuntur ministeriis; veluti si quod bellum, si quis tumultus, si qua exactio, si qua condonatio parum prudens, in hisce fabulis isti primas agunt. Interim simplici popello specie sanctitatis imponitur. Sacerdotes ad hos collati, sacerdotes non sunt. Episcopi horum fiducia in utramvis aurem dormiunt. Plebs destituta pro unicus pastoribus gemino luporum genere discerpitur, dum et Praesules exercent tyrannidem; nec hi tamen pastores sunt, sed alia ratione praedones.*

<sup>2</sup> In order to secure the privileges of the Franciscans and Dominicans, Sixtus IV., in 1474, collected them in two bulls, which were hence called the *Mars Magnus* of the Franciscans and of the Dominicans. These he completed and extended by the so-called *Bulla aurea*, dd. 7. Kal. Aug. 1479. They are all to be found in the *Bullaria*.

and more. They encountered the most emphatic resistance from the University of Paris. When they wished to hold office there as teachers, they were obliged to submit to its authority,<sup>3</sup> and all their attempts to make themselves independent were decidedly repelled,<sup>4</sup> as, indeed, all the exorbitant assumptions in support of the Papal See and the mendicant orders were sternly censured and punished by the University.<sup>5</sup> By means of the principles upheld by the Parliament and the University, the secular clergy in France were still in some measure protected against the encroachments of the mendicants;<sup>6</sup> elsewhere, on the other hand,

<sup>3</sup> Compare the *instrumentum submissionis*, which the Franciscan, Petrus de Cheriaco was obliged to execute in 1428 before the assembly of the theological faculty, in d'Argentré I. ii. 226. He was the man appointed by his Order—ad legendum Bibliam; the faculty declared, quod recipiebat dictum fratrem Petrum ad legendum Bibliam pro anno praesenti, mediante quod submitteret se reparare certas propositiones et articulos aliquos in suis sermonibus et alibi expositos et praedicatos, et dictae Facultati in uno rotulo per ipsum tradito contentos, ubi indigerent reparatione, toties quoties, et in quibuscumque locis placeret Facultati theologiae, nec non veniam petere super aliquibus verbis per ipsum minus bene de Facultate artium prolatis in proxima ipsius Facultatis congregatione. Qui quidem F. Petrus se submitit et juravit supra dicta facere toties quoties requireretur ex parte ejusdem Facultatis, et omnia supra dicta adimplere.

<sup>4</sup> The theological faculty insisted that those mendicants, who were appointed by their superiors to lecture in divinity, should first have gone through a certain academical course. On the other hand, the four mendicant orders obtained from Eugene IV. the bull *Ad jugem*, dd. 8. Kal. Apr. 1442 (in Bulaei Hist. Univ. Paris, v. p. 524), according to which the monks who were appointed by their Order—ad legendum Bibliam, or—ad legendum Sententias, ac per Deputatos Facultatis theologiae ad hoc sufficientes et idonei reperti fuerint, solutis juribus ejusdem Facultatis, should be admitted without further requirements. Thereupon the University immediately decreed (l. c. p. 522), quod privarentur omnes tam graduati quam non graduati dictorum IV. Ordinum a consortio Universitatis, et—ab omnibus actibus scholasticis, donec et quousque dicti Mendicantes impetrassent aliam Bullam novam contrariam de verbo ad verbum isti Bullae per eos impetratae a summo Pontifice. The mendicants had to yield, and, on the 10th December, 1442, take an oath to the theological faculty, nunquam uti Bulla praedicta, and, within a fixed time, to obtain a—revocatoriam, or a—cassatoriam. At the same time it was determined by the faculty, quod studentes IV. Ordinum, qui mittentur ad legendum Sententias, stent Parisius ante dictam lecturam per III. annos, videlicet per annum ante lecturam Bibliae, et per annum, in quo legent Bibliam, et per tertium, in quo se disponant ad lecturam Sententiarum, ut sententia ipsorum et mores comprobentur.

<sup>5</sup> Thus, for their exaggeration of the Papal power, see § 186, note 28; for their exaggeration of the prerogatives of their Order at the cost of the secular clergy, see § 188, note 2.

<sup>6</sup> In this point of view the new controversy of the University with the mendicants, which began in 1456, is worthy of note; see Bulaeus, v. p. 601 ss. The mendicant friars came forward with a bull which they pretended to have received from Nicolas V., in the year 1456, and hence, a year after the death of this Pope; it was similar to the bull of Alexander V. (see above, § 112, note 3.) The University declared this to be—scandalosa, turbativa pacis et concordiae, subversiva Ordinis hierarchici Ecclesiae ac subreptitia, and determined to appeal against it; the mendicants were first to be invited—visuri suas privationes, si dictae impetrationi renunciare noluerint, et impetrare revocatoriam ipsius:—requirantur Praelati, quod non admittant Fratres Mendicantes ad praedicandum in

they were only the more humbled; and the mendicants, since they were able to demonstrate strongly enough the incapacity of the secular clergy,<sup>7</sup> openly endeavored to destroy all their efficiency.<sup>8</sup> The wavering intervention of the popes was not enough

suis diocesibus, donec renunciaverint, et obtinuerint hujusmodi revocatoriam. As the mendicants refused to renounce the bull, and to promise to effect its repeal, it was determined: Idcirco ipsa Universitas ex tunc omnes juratos de dictis Mendicantium Ordinibus reputavit et declaravit perjuros et privatos a gremio et consortio ipsius, non juratos autem resecauit a susceptione graduum quorumcunque et acquisitione temporis Parisius in quacunque Facultate. The Parliament undertook some measures of reconciliation, on the petition of the mendicants; these, however, remained fruitless, until, in February, 1457 (more Gall. 1456), the draft of a bull came to Paris, in which it was pretended that Calixtus III. had repealed the bull of his predecessor (see Bulaeus, v. p. 612). Now the mendicants condescended to a—supplicatio humillima (p. 613), and they were again received (18th February,) as members of the University, after they had sworn to the conditions (p. 616), quod amplius non utantur Bulla existente in manibus Rev. D. Episcopi Parisiensis, neque similibus, et maneat dicta Bulla in manibus praefati Episcopi sicut est; et quod unus pro omnibus juratus de Ordine Mendicantium pro sua redintegratione habeat supplicare, et habeant Mendicantes antedicti obedire Bullae revocatoriae et ratificari [*facere*] per suos Generales infra annum. Item jurabunt, quod nunquam imptetrabunt similes Bullas, alioquin ex tunc, prout ex nunc, reincident in similes privationes et poenas. Soon after it was discovered that the pretended *Bulla revocatoria* had not been issued; for Calixtus III., in a brief of the 18th March (p. 617), required the King to give protection to the mendicants, pronounced the disputed bull of his predecessor to be genuine, and confirmed it. The Dominicans were obliged, by the command of their general, to recede from the compact, and were again excluded from the University; however, in December, 1457, they petitioned to be received again, and yielded (p. 620).

<sup>7</sup> The passage of the Augustin-eremite, Johannes Schiphowerus de Meppis, in his Chron. Oldenburgensium Archicomitum (written in 1505), in H. Meibomii Rerum German. Scriptt. t. ii. p. 171, ad ann. 1440, in which he praises Count Dieterich as a supporter of his Order, may serve as an example: Suis temporibus quidam ex pastoribus et capellanis conspirationem fecerunt contra Mendicantes, limitatores ibidem existentes, impugnantes privilegia apostolica, et praesertim de confessionibus audiendis, ignari et juris canonici imperiti, vix primis literis imbuti, qui vix sine confusione, ut ait Pastor in tractatu de Curatorum miseriis, requiem cantare sciunt, et tamen singulis doctis viris tamquam cornutae bestiae rebellizant, et in sua asineitate perseverantes super omnes se extollunt. Quomodo autem praedicabunt, qui literis operam non dederunt? aut quam in praedicando indoctus sacerdos utilitatem auditoribus suis afferre poterit, qui scripturas nescit? verum temporibus nostris, in quibus est sicut populus, ita et sacerdos, studium scripturarum miserissimi sacerdotes abjiciunt, pro libris scripturarum calices exhauriunt, et cotidie se inebriant. Viderint Episcopi, qui tales idiotas et inscios ad sacerdotii dignitatem promovent, qui imperitis curam ovium Christi commendant! Sedent in insidiis cum potatoribus in tabernis, ludis et comensationibus vacant, non est timor Dei ante oculos eorum. Nomine sacerdotes sunt, conversatione asini, nihil penitus de scripturis intelligunt, discere contemnunt, et latina lingua loqui vel scribere nesciunt, vix in vulgari exponere Evangelia didicerunt. Quantos errores, fabulas et haereses in Ecclesiis praedicando populis enunciant, quis nisi expertus credere posset? Pro libris liberos sibi comparant, pro studio concubinas amant. Tales, quamvis inscii, quamvis indocti, quamvis ignari, adhuc contra privilegia apostolica contra viros doctos latrare non erubescunt.

<sup>8</sup> Jacobus Carthusianus (see § 186, note 81), De Arte Curandi Vitia (ex MS. in v. d. Hardt, Autographa Lutheri, praef. p. 49): Licet multi Fratres Mendicantes praedicent, multi multa dicant; cum tamen ab observantia declinaverint, aliud opere et aliud

to bring this ceaseless controversy to an end.<sup>9</sup> Undoubtedly the mendicants were more zealous for the Church than the rest of the clergy, but their zeal was too often enlisted only in the furtherance of ecclesiastical superstition,<sup>10</sup> and the praise of the saints

verbis ostendunt. Et hi ut plurimum nimium audaces et idiotae. Inde eorum praedicationis contemptibilis redditur, et vertitur maxime profanam in divinationem. Nam eorum primarii, ut manifeste cernitur, non aliud videntur quaerere, nisi favorem populi, libertatem vitae, quaestum bonorum exteriorum. Quae debite considerantes, omnia eorum facta videntur hypocritica delinimenta. Nimirum parochiae destruuntur, Praelati contemnuntur, nulla disciplina contradicente. Sed cur non exercetur ipsa, nisi quia quilibet illorum quasi sibi conscius non audet illorum mala facta punire? The complaints of the parochial clergy against the mendicants run as follows; see Reformatorii Constant. Decretales, tit. x. c. 12, in v. d. Hardt, Conc. Const. I. xii. p. 715: quod superiores dictorum Fratrum non eo modo, sicut deberent, sed in scriptis, imo interdum nomine non expresso, Ordinarii locorum suos terminarios, ut plurimum idiotas, et interdum minus quam presbyteri curati scientes praesentant; praesentati soli, absque socio, per parochias velut vagi transcurrunt, absolutiones suas, ultra Curatorum efficaciores, tanquam apostolica auctoritate concessas, praedicant saepius; quod in casibus eis non commissis absolvunt, pecuniaria etiam pactione praecedente aut interveniente; decedentibus et testari volentibus secretius ingerunt, sibi et non Curatis legari, et apud suos Conventus sepeliri. Quibus omnibus secretius ingestis et practicatis canonicam ipsis Curatis non exhibent portionem (viz., the quarter assigned by Boniface VIII., see vol. ii. § 69, note 8), in dictorum Curatorum multiplex praesudicium et gravamen.

<sup>9</sup> Sixtus IV., induced by the remonstrances of the German bishops, and especially by the contest between the secular clergy and the mendicants at Eeslingen, appointed a commission to adjust the dispute: this commission concluded an arrangement between the two parties, which Sixtus IV. confirmed by the bull *Vices illius* (in the Extravag. Commun. lib. i. tit. 9, c. 2), to the effect—quod ipsi parochiani sacerdotes de cetero non dicant, a Mendicantibus haereses processisse: cum in veritate fides nostra sit illuminata, et Ecclesia exaltata per eosdem, et praesertim per Ordines Praedicatorum et Minorum, ut jura testantur. Quodque Fratres Mendicantes non praedicent, populos parochianos non teneri audire missam in eorum parochiis diebus festis et dominicis; cum jure sit cautum, illis diebus parochianos teneri audire missam in eorum parochiali Ecclesia, nisi forsitan ex honesta causa ab ipsa Ecclesia se absentarent. Quodque etiam nec Fratres, nec Curati inducant aliquo modo laicos ad eligendum sepulturam apud eos, et bene caveant propter poenas, quas imponunt canones, cum sit libera. Quod etiam ipsi Mendicantes desistant praedicare, quod parochiani non sint obligati, saltem in Paschate proprio confiteri sacerdoti. Per hoc tamen ipsi Fratres Mendicantes non censeantur exclusi, quo minus secundum juris communis et privilegiorum eisdem concessorum dispositionem confessiones audire, et poenitentias injungere valeant. Quod etiam de caetero inter ipsos Fratres Mendicantes et Curatores, quoad effectum praedicandi, horas cantandi, et campanas pulsandi, servetur consuetudo antiqua, quae temporibus antiquis servata fuit in ipso oppido Eeslingensi. Et casu, quo veniat aliqua occasio sive necessitas, non fiat commutatio temporis vel horae in ipsis praedicationibus fiendis, nisi de consensu partium. Quodque etiam ipsi Fratres in sermonibus eorum non detrahant Praelatis et rectoribus parochialium Ecclesiarum, nec etiam populos a suarum Ecclesiarum parochialium frequentia et accessu abstrahant, sive retrahant quoquo modo. Et vice versa ipsi rectores et Praelati aliquo modo non detrahant Mendicantibus, sed illum favorem, quem possunt, eis impendant, et in omnibus et per omnia praestent, ita ut vera unitas et perfecta caritas inter eos ostendatur. Here one can recognize at least the cause of the dispute: naturally enough the contest was not decided generally and forever by such compacts and confirmations.

<sup>10</sup> The fraternities of the Rosary proceeding from the Dominicans, the first of which was founded at Cologne in 1475 by the Dominican Jac. Sprenger, come particularly

and privileges of their order.<sup>11</sup> Nevertheless, they were thought

under this denomination (Echard. *Bibl. Praed.* i. p. 881). The Dominicans indeed spread abroad the notion, which also Leo X. repeats after them, in his bull of indulgence, granted to the fraternity in 1520 (in Eus. Amort, *De Origine, Progressu, Valore ac Fructu Indulgentiarum*, i. p. 171), quod olim, prout in historiis legitur, a. Dominico quaedam Confraternitas utriusque sexus fidelium, de Rosario b. M. V. nuncupata, ad honorem angelicae salutationis instituta, et in diversis mundi partibus praedicata fuit sequentibus signis (comp. vol. ii. § 69, note 10). Sed cum ipsa Confraternitas decursu temporis fere neglecta fuisset, et in oblivionem transisset, ac anno 1475 civitas et dioecesis Coloniensis gravibus bellis premeretur, eadem Confraternitas, ut civitas ab eis bellis liberaretur, in Ecclesia domus Praedicatorum Coloniensium innovata et de novo instituta fuit. In confutation of this pretense of an earlier origin, comp. *Acta SS. August.* t. i. p. 428 ss. Sixtus IV. grants to this Confraternitas de Rosario b. M. V., in 1478, for certain festivals in honor of the Virgin, the first indulgence of seven years and seven quadragesimae (in Amort, l. c. p. 170), and describes it as, ad honorem angelicae salutationis instituta, cuius confratres et consoroeres tribus diebus cujuslibet hebdomadis orationem dominicalem quindecies, et angelicam salutationem centum et quinquaginta vicibus ad honorem ejusdem b. Mariae Virginis juxta ipsius Confraternitatis instituta dicere consueverunt, quas quidem orationes Rosarium appellant; and adds, that also—extra civitatem Coloniensem in aliis civitatibus et locis sint quam plures utriusque sexus ejusdem Confraternitatis confratres. The fraternity spread so quickly, that, even in 1481, a similar one was founded in Schleswig, the rules of which are given in (Noodt's) *Beiträge zur Erläuterung der Civil-, Kirchen- u. gelehrten Historie der Herzogthümer Schleswig u. Holstein*, Bd. 2 (Hamb. 1752. 4), s. 81. Innocent VIII., in 1483, granted the brethren—viva vocis oraculo, a plenary indulgence, semel in vita, et semel in mortis articulo, which Leo X. confirmed in 1520; see Amort, l. c. p. 171.

<sup>11</sup> The Council of Basle condemned the following assertions, in 1444, quae maxime praedicabantur a Mendicantibus in Taurinensi et Astensi Dioecesis (Patritii Summa Concill. c. 188, in Hartzheim Concill. Germ. v. p. 865): Parochianos non teneri de jure dominicis diebus et solemnibus missas in propriis parochialibus Ecclesiis audire, sed ubi pro eorum devotione maluerint, praetermissis suis parochiis; et hanc libertatem non posse eis adimi a synodalibus constitutionibus: quodque Parochiani suis Curatis illis diebus non tenentur ad oblationem faciendam, sed in voluntate dantis sit, cui velit eam dare.—Obnoxium quavis causa faciendi missas celebrari pro vivis et defunctis, non satisfacere debito suo, si per curatum sacerdotem id fieri curet, quoniam ratione curae ad id sit obligatus. Decimarum solutionem, etsi de praecepto sit, non tamen de praecepto esse, cui sit solvenda: liberum igitur esse omnibus cui velint eas solvere, vel in opera pietatis pro arbitrio impendere. Morientes in habitu et professione Ordinis Minorum ultra annum non passuros in poenis purgatorii, quoniam b. Franciscus ex divino privilegio quotannis ad purgatorium descendat, professoresque omnes sui Ordinis adducat secum ad coelum (compare above, § 112, note 7). Fratres Mendicantes, etiam non praesentatos Ordinariis, omnium confessiones posse audire; illosque, qui apud eos sint confessi, non obligari, etiam semel in anno confiteri proprio sacerdoti, nec petere confitendi veniam. Episcopus dioecesanus etiam in suis Synodis non posse sibi reservare ab solutiones aliquorum criminum praeter casus in jure expressos. Thus, in 1494, the Synod of Nitra, in Hungary, passed some decrees against the impostures of the mendicants, *Constitutiones Syn. Nitriensis*, c. 80 (in C. Péterffy *Conc. Hungariae*, P. i. p. 277): Nam sicut ad nostrum pervenit auditum, non sine multa temeritatis audacia, et deceptione multiplici animarum indulgentias populo motu proprio de facto concedunt; super votis dispensant; a perjuriis, homicidiis et peccatis aliis sibi confitentes absolvunt; male ablata incerta, data sibi aliqua pecuniae quantitate, remittunt; tertiam et quartam partem de poenitentis injunctis relaxant; animas tres, vel plures parentum vel amicorum illorum, qui elemosynas eis conferunt, de purgatorio, ut asserunt mendaciter, extrahunt, et ad gaudia Paradisi perducunt; confratribus et benefactoribus ipsorum remissionem plenariam peccatorum indulgent; et aliqui ex ipsis eos a poena et culpa, ut

eorum verbis utamur, absolvunt. John Busch (see § 140, note 4) once heard a Carmelite from Brabant preach at Hanover (see Busch De Reform. Monasteriorum, iii. c. 16, in Leibnitii Scriptt. Brunsv., ii. p. 926), who, being instigated by the unreformed Franciscans of the place, taunted him as the reformer of monasteries, and at the same time made such statements as these: quoties missa per mundum celebratur, toties una anima de purgatorio liberatur, and: Mendicantes, Episcopis praesentati a suis superioribus, sunt supra Plebanos. Busch compelled him to recant both of these statements in public. How the Franciscans laud their founder is shown by the opinions which the observant, Johannes Mercator, had preached in Besançon, and which were condemned by the Sorbonne in 1486 (d'Argenté Collectio Judiciorum de Novis Erroribus I., ii. 318): I. Sedes Luciferi erat super choros angelorum et in decimo ordine, quae erat vacua et modo mirabiliter praeparata atque adornata, reservata b. Francisco soli, quia ab ea ejectus fuerat Lucifer propter suam superbiam. Et in hoc seculo nullus fuit inventus habens tantam humilitatem, quantam habuit b. Franciscus. II. B. Franciscus assimilabitur Christo in quadraginta modis seu manieribus. Quodque ipse est secundus Christus et secundus filius Dei. III. B. Francisci conceptio fuit praenunciata ab Angelo. Natus in praesepio inter bovem et asinum. Quem parere aliter, seu alio loco non poterat mater sua. IV. B. Franciscus stigmata suscepit successive, duabus horis semper interpositis, et in susceptione cujuslibet cecidit in terram propter nimium dolorem, quem in suscipiendo suscipiebat, ita ut spiritum emisisset, nisi Christus eum confortasset. V. B. Franciscus in suscipiendo praedicta stigmata tantos dolores sustinuit vel quasi, quantos habuit Christus in passione. VI. B. Franciscus incepit recipere praedicta stigmata a summo mane, et perseveravit in susceptione usque ad horam nonam, qua hora dominus noster Jesus expiravit. VII. B. Franciscus cum clavis retortis ab intus et extra, in ipsis stigmatibus inclusis, dicta stigmata portavit per duos annos. VIII. Christus in propria persona percutiendi sua manu stigmata praedicta infixit. IX. B. Franciscus vulnus seu stigmata lateris sui suscepit, quando Christus latus suum vulneratum in cruce lateri ipsius b. Francisci applicuit. X. In susceptione stigmatum praedictorum petra scissa est, ut in passione Christi, in cuius petrae scissura ipse Johannes, qui hoc praedicat, brachium suum immisit. XI. B. Franciscus obtinuit a Deo privilegium, quod anno quolibet descendit ad locum Purgatorii in die solemnitatis suae, et animos quorumlibet Religiosorum et Religiosarum et omnium de habitu ipsius S. Francisci seu Fratrum Minorum in ipso Purgatorio existentium extrahit, et secum educit in Paradisum, quemadmodum Christus seu ejus anima descendit ad inferna, et tertia die animas patrum secum eduxit. XII. B. Franciscus etiam obtinuit a Deo, quod Religiosi qui non bene servant regulam suam, non possent diu remanere in hoc mundo nec in praedicta Religione; et quod murmurantes aut male loquentes de Religiosis et de Ordine praedicto graviter punirentur in hoc saeculo et in alio. Quod nulli in vita sua revelavit ipse b. Franciscus, nisi S. Leoni confessori suo, qui post ejusdem b. Francisci obitum revelavit. The Franciscans were even surpassed by the Carmelites in extravagances with regard to purgatory. They had asserted long before, that persons dying in the Carmelite scapulary would not be condemned (see vol. ii. § 69, note 12); they now added, that these persons were always fetched out of purgatory by the Virgin Mary on the next Saturday after their death. In confirmation of this they forged, in the course of the 15th century, a bull of John XXII., the so-called *Bulla Sabbathina*, which is first mentioned about 1496 by Johannes Palaeonydorus, a Carmelite at Mechlin; see Jo. Launoi Dissertt. de Simonis Stockii Viso, in his Opp. ii. ii. p. 406. According to this, the Holy Virgin had appeared to the Pope as a Carmelite nun, and declared to him (l. c. p. 404): Fratres professi dicti Ordinis supplicio solvantur et culpa, et die, quo ipsi saeculo recedunt, ac propeperato gradu accelerant Purgatorium, ego mater gratiosa descendam Sabbato post eorum obitum, et quot inveniam in Purgatorio liberabo, et eos in montem sanctum vitae aeternae reducam. At the same time was forged a confirmation of this bull by Alexander V. in 1409 (l. c. p. 423), and the fraud met with such success that the *Bulla Sabbathina* was actually confirmed by Clement VII., in 1580 (l. c. p. 440, 446), and by Paul V. in 1618. Amort, Hist. Indulgentiarum, i. p. 144, considers the *Bulla Sabbathina* and its confirmation by Alexander V. to be genuine.



to be the most faithful servants of the popes;<sup>12</sup> and this they were, so far as the interests of their Order fell in with those of the Pontiff; where these diverged, their obedience also came to an end.<sup>13</sup>

### § 142.

#### MORE INDEPENDENT ECCLESIASTICAL COMMUNITIES.

At the beginning of this period the Beghards, but particularly the Brothers of the Common Life (*Fratres vitae communis*, also called, *Fratres bonae voluntatis*, *Fratres collationarii*, *Clerici devoti*, and, in many places, *Fratres Hieronymiani* or *Gregoriani*), in the Netherlands, had to sustain a severe attack from Matthew Grabo, lector of the Dominican monastery at Gröningen; he pronounced their whole method of life unlawful and heretical. However, these Brethren were supported by the reformed canons of the Windsheim general chapter, with whom they maintained unbroken the closest intercourse. Grabo, accused before the Bishop of Utrecht, appealed to the Pope. Thus the question was brought before the Council of Constance.<sup>1</sup> Here the principal authorities

<sup>12</sup> As an instance of the eulogiums which the popes were wont to bestow upon them in their bulls, see the beginning of the so-called *Bulla aurea* (see note 2): *Sacri Praedicatorum et Minorum Fratrum Ordines, instar duorum primorum fluminum a coelestium voluptatum et amoenitatum Paradiso egredientium, sacrosanctae Ecclesiae terram, ne mundanarum cupiditatum et vitiorum calore arescat, praeclaræ doctrinæ, virtuosorum operum, ac multiplicium meritorum imbribus irrigantes, magis illam in dies fructuosam efficiunt. Hi sunt duo Seraphim, qui in sublimerum contemplationis et seraphici amoris alis elevati, a terrenisque rebus abstracti, assiduo divinarum laudum clamore, et immensarum beneficiorum humano generi a summo opifice Deo exhibitorum declaratione, ferventissimis prædicationibus populos instruendo, et ad coeleste iter dirigendo insistentes, multiplicata talenta eis credita, Domino Deo mundæ segetis, animarum scilicet Redemptoris nostri Jesu Christi pretiosi sanguinis effusione redemptarum, copiosos in horrea s. Ecclesiae manipulos referunt. Hi sunt duæ tubæ, per quas Dominus præcipit ad pabulum sacri Evangelii universum populum assiduis prædicationibus advocari, ut in omnem terram exiret sonus eorum, et redderent sibi populum acceptabilem, et bonorum operum sectatorem.*

<sup>13</sup> In 1519 Erasmus wrote to Albert, Elector of Mayence (*Epist. 477, Opp. ed. Lugd. Bat. t. iii. P. i. p. 515*): *Mundus oneratus est constitutionibus humanis, oneratus est opinionibus et dogmatibus scholasticis, tyrannide Fratrum Mendicantium, qui cum sint satellites Sedis Romanae, tamen eo potentiae ac multitudinis evadunt, ut ipsi Romano Pontifici atque ipsis adeo Regibus sint formidabiles. His, cum pro ipsis facit Pontifex, plus quam Deus est: in his, quae faciunt adversus eorum commodum, non plus valet quam somnium. The following may serve as examples: the resistance of the Franciscans to John XXII. (above § 118, note 7 ff.); the rejection by the Dominicans of the immaculate conception of the Virgin Mary, notwithstanding all the papal decisions, see below, § 145, note 14 ff.; and the disregard of the decretals of Boniface VIII. (see vol. ii. § 69, note 8), see above, notes 8, 9, 10.*

<sup>1</sup> Jo. Buschii (see § 140, note 4) *Chronicon Canonicorum regularium Ord. S. Augusti-*

ni Capituli Windesemensis (Accedit Chron. Montis S. Agnetis, auct. Thoma a Kempis, una cum vindictis Kempensibus Heriberti Rosweydi Soc. Jesu pro libro De Imitatione Christi. Antverp. 1621. 8), written in 1464, lib. ii. c. 58, p. 547: Quidam de Ordine Praedicatorum Frater, Matthaeus Grabo nomine, grande volumen ediderat contra devotos Presbyteros, Clericos et Beginas, pariter in communi sine regulae alicujus professione viventes. Quem Pastori in Daventria repraesentans adhaesionem expetiit, et ut in ejus transiret sententiam publice contra eos sermocinando, rogavit. But the latter sent the book to the rector of the house of the Brethren at Deventer, and he to the prior of the regular canons at Nordhorn, who carried the case before the Bishop of Utrecht. When Grabo appealed to the Pope, the bishop betook himself to the council, with the proposal —ut iste audacter Frater Matthaeus Grabo digna feriretur animadversione, reprobis in exemplum, and bore witness—quod nihil unquam mali, dignum suspicionem, contra morem Ecclesiae, in devotis hujus patriae sexus utriusque invenit delitescere, sed omnes et singuli vitam veram apostolicam Ecclesiae primitivae, ut veri Christiani, ad purum servarent. The purport of Grabo's work appears from the letters written by his advocate at the Council of Constance to the Pope, in v. d. Hardt, Conc. Const. iii. p. 106: cum lector (M. Grabo)—videret, plures personas sexus utriusque novae Religionis habitum assumentes, et conventicula facientes, nullum habitum approbatum profitentes, statuentesque sibi ipsais Superiores pro libitu voluntatis, et sub simulata devotione populum attrahentes, et multa contra veritatem sacrae Scripturae ac sacros Canones attentantes, et de elemosynis Christifidelium domos sumptuosas ad modum monasteriorum regularium aedificantes, et se invicem in eis includentes cum observatione quorundam rituum minime per Ecclesiam approbatorum: coepit super hoc apud semetipsum ardentem cogitare, et an hoc stantibus regulis fidei et sacris canonibus Ecclesia dissimulare deberet; revolvensque diligentius sacrae scripturae sanctorumque Doctorum libros et sacros Canones, quasdam conclusiones, reprobantes illorum modum vivendi, extraxit, et scripturae commendavit. Quarum una principalis est, ex qua aliae deducuntur exceptis paucis: *nul- lus potest licite et meritorie, imo nec veraciter, obedientias, paupertatis, et castitatis universalia consilia conjunctim, extra veras Religiones manendo, adimplere.* Viz. ad saeculares pertinet tantum particularia vota offerre, ad regulares autem universalis praedicta. Further, the conclusio undecima: *abdicare quemquam omnia propter Christum, extra praedictas religiones manendo, seu nisi veram aliquam Religionem ingrediatur, est sibi et suis, quorum cura sibi incumbit, vitam subtrahere:* quod est, homicidium tot hominum committere quot ejus curae subduntur. Haec est de mente S. Thomae Secunda Secundae Qu. 88. Ex quibus sequitur, quod *nullus potest abdicationem omnium propter Christum facere extra veram Religionem manendo sine peccato mortali:* quia subtraheret sibi vitam.—Ex quibus sequitur, quod *dicens pertinaciter, omnia esse meritorie abjicienda propter Christum in saeculo manenti, haereticus est dicendus.*—Ex quibus sequitur, quod *proprietas temporalium rerum est status saeculari essentialiter annexa.* Et per consequens *Dominus Papa salva auctoritate sua non potest dispensare cum saecularibus, ut omnibus in singulari careant, seu nihil in singulari habeant.*—Si enim Dominus Papa posset hoc alicui concedere,—posset ei concedere propriae vitae subtractiones, etc.—Sequitur etiam, quod *religiosus sine peccato mortali non potest abdicare voluntatem habendi communia* (compare above, § 118, note 11 sa.):—quia sine illis vivere non posset, cum per suam professionem renunciaverit omnibus et singulis propriis singularibus.—Grabo's statements are more fully comprised in the twenty-five articles which follow. The last of these are: XXI. Excommunicati sunt omnes communem vitam ducentes extra Religionem approbatam. XXII. Quare similiter excommunicati sunt illi, qui vitam communem extra Religionem approbatam ducentibus praebent elemosynam. Et qui tales foveant consilio et auxilio vel defensione, similiter stant et sunt in statu perpetuae damnationis. Et nisi de hujusmodi eorum excessibus magna contritione poenituerint, ad vitam aeternam non possunt pervenire, neque salvi permanere. XXIII. Omnes vitam communem ducentes extra Religionem approbatam sunt illi, a quibus Salvator noster praecipit esse abstinendum, et tanquam a falsis Prophetis attendendum. XXIV. Quilibet faciens contra jura canonica peccat mortaliter. XXV. Nullus corpore validus absque communi utilitate et necessitate potest extra veras Religiones sine peccato elemosynas Christifidelium tollere.

pronounced at once in favor of the Brethren,<sup>2</sup> and Grabo was sentenced to renounce his errors.<sup>3</sup> Henceforth the institution of the Brethren of the Common Life also spread through the Netherlands and Northern Germany in connection with the Windsheim congregation of regular canons.<sup>4</sup> The numerous houses of the

<sup>2</sup> For instance, Petrus de Alliaco and Jo. Gerson, in their opinion upon Grabo's propositions, in v. d. Hardt, iii. p. 112 ss. The former remarks, on Act. iv., 82-84, quod in illa congregatione primitiva fuerunt multi uxorati et alii diversarum conditionum saeculares (yet they had all things in common), qui scilicet non erant adstricti per votum ad tria consilia evangelica castitatis, obedientiae, et paupertatis quemadmodum sunt professi Religionum per b. Basillum, Benedictum et Augustinum ac similes introductorum. Quae iste, ponens hujusmodi conclusiones, appellat veras Religiones, tanquam extra illas non sit vera Religio, quod falsum est, imo haereticum, si sic per praecisionem intelligatur: quoniam Christiana vera est Religio etiam apud saeculares. He pronounces Grabo's Tractatus to be—haereticus et igni tradendus. Gerson also supported this opinion, and declaims with especial force against the misuse of the word Religio, see l. c. p. 116: Propositio III. Religio Christiana potest absque voto obligante ad consilia perfecte, imo perfectissime, observari. Patet de Christo, qui non legitur vovisse consilia, qui fuit tamen suae legis perfectissimus observator. Patet insuper de Apostolis et discipulis Christianis in primitiva Ecclesia, quorum multi erant uxorati, multi possessiones habuerunt, quidam in communi, quidam in proprio.—Prop. IV. Religio Christiana non requirit ad perfectiorem sui observationem tam in praecipulis, quam in consiliis, quod superaddatur alia religio. Quales dicuntur observationes institutae per sanctos Basillum et Augustinum, etc., et quales Anshelmus vocat religiones factitias. Prop. V. Religiones hujusmodi factitiae satis improprie et abusive et forsitan arroganter dictae sunt status perfectionis. Gerson decides to this effect, Corollarium III., quod tota doctrina fratris istius innotuit stultiae et insaniae fantasiae, imo et blasphemiae.—Coroll. IV., quod fautores et defensores istius fratris sunt arcendi seu repellendi, et nisi desistere voluerint, graviter puniendi; ita tamen, quod non laxetur nimia licentia ad defensionem Begardorum et Begutarum, si reperiantur effrenes, et discoli, et scandalosi in sacris observationibus.

<sup>3</sup> Jo. Buschii Chron. Windeshemense, lib. ii. c. 58, p. 549: The judges appointed by the council to examine the case, dictum fratrem Grabonem miserunt in carcerem. Et nisi librum suum propter articulos erroneos in eo comprehensos ipse damnaret, et se plurimum errasse publice proclamaret, ceteraque similia juxta sua demerita juste sibi injungenda libenter perficeret, de carcere exire nisi ad ignem omnino non posset. Qui pelli suae pertimescens, saniori usus concilio, reum se cognovit, cuncta praemissa et multo majora in publica omnium audientia aperte confessus, librum suum damnavit, vitam et conversationem devotorum Presbyterorum, Clericorum et Beginarum Daventriae, Zwollis et alibi in communi sine professione viventium valde recommendavit, et sic ignem mortemque evadens in pace fuit dimissus. Haec omnia seriatim Patres dictorum congregationum registrata conservant. The form of renunciation by Matth. Grabo may be seen in v. d. Hardt, ii. p. 118 ss. On the whole matter, see Moaheim, De Beghardis et Beguinabus, p. 461 ss.

<sup>4</sup> Jo. Buschii Chron. Windeshem., lib. ii. c. 15, p. 816: Sicut magister Gerardus Magnus origo fuit et pater primus omnium hominum modernae devotionis hujus patriae, ad quem Deo servire cupientes securum semper habuere recursum, et post eum pater venerabilis Dominus Florentius Radewini primus Rector congregationis Clericorum in Daventria; ita devotus pater noster, frater Joannes de Huesden, prior in Windesem (from 1391-1424), eorum fidelis factus est successor in cura consulendi, auxiliandi, et defendendi. Ipse enim discreta sua providentia, caritateque latissima omnium corda devotorum benigne ad se trahens, unum ex ipsis se fuisse, et etiam semper mansisse, verbis, rebus, et moribus ubique demonstravit. Qui totum mundum salvare cupiens, plurima servorum et ancillarum Dei habitacula undique in patria multiplicari procuravit: nam

Brethren were always distinguished, both by a practical religious mysticism, and by a zeal for useful employment in many ways.<sup>5</sup> Many Brethren were engaged in schools or active in their behalf;<sup>6</sup>

et fratres domus suae, Capituliue generalis ad hoc aptiores in loca diversa transmisit pro novis monasteriis Ordinis nostri erigendis, fundandis et consummandis, antiquisque reformandis et in regulari observantia debite instituendis: patres etiam Congregationum valde sollicitavit, ut Presbyteros, Clericos, et sorores sive Beginas ad hoc utiles vel idoneos ad diversas mundi partes, in civitates, oppida et villas, pro novis congregationibus inchoandis, et in communi vita more suo instituendis, animo pio et volenti [mittere] non tardarent.—Factum est autem, ut plurima Ordinis nostri Monasteria, multaeque Clericorum et sororum devotarum Congregationes per totam istam patriam Zallandiam, Westphaliam, Gelriam, Brabantiam, Hollandiam, Zelandiam, Drentheam, Twentheam, Frisiam, Trajectum, et circa partes Rheni in diebus nostris de novo sunt constructa, et etiam ex antiquis plurima reformata. Ex quibus *patres, fratres et sorores de tertia regula S. Francisci nuncupati plus quam centum domos sive Congregationes devotas extrahentes*, sub uno provinciali Capitulo regulariter vivere, et Deo fideliter deservire usque hodie comprobantur; et *ipsi patres Congregationum devotarum primi*, juxta morem Ecclesiae primitivae sub regula Christi caritate pariter in communi secundum Evangelium viventes, *habent adhuc hodie domos sexus utriusque unitas numero paene quinquaginta*, virorum videlicet paene viginti, et sororum triginta; nosque jam habemus *Monasteria Ordinis Canoniorum regularium sexus utriusque Capitulo generali de Windesem incorporata plus quam septuaginta*, virorum videlicet sexaginta duo, et *tredecim sanctimonialium*.—Patres ergo devoti in diebus Domini Florentii Radewini pro sui status et devotionis conservatione in Daventria simul ad colloquium consueverant convenire; post ejus transitum ad Congregationem Clericorum in Zwollis—ad colloquium annuale in Dei timore celebrandum omnes pariter convenerunt in *Dominica Misericordias Domini* post Pascha, aut in feriis consequentibus, cum Ecclesia generale Capitulum in Windesem celebraret, propter loci convenientiam, et Capituli nostri generalis propinquitatem, et maxime propter Priorem nostrum in Windesem, ad quem finito colloquio cuncti Patres eorum principiores accedere solebant, ut cuncta in ipsorum decreta colloquiis perpetue de ipsius consilio firmarentur. Simili modo Patres Congregationum Westphaliae, Saxoniae, Coloniae *Dominica Jubilata* in Monasteriensem civitatem ad colloquium annuale pariter conveniunt, Priore de Northorn, aut Priore de Bodike ibidem tunc praesente. More particular notices of individual houses may be seen in *Verhandeling over de Broederschap van G. Grote, en over den invloed der Fraterhuizen op den wetenschappelijken en godsdienstigen Toestand, voornamelijk van de Nederlanden, na de xiv. Eeuw, door G. H. M. Delprat. Utrecht, 1830. 8. p. 36 ss.*

<sup>5</sup> See Delprat, p. 198 ss.

<sup>6</sup> Several of the houses of Brethren opened schools themselves, e. g. that in Delft (Delprat, p. 92), in Herzogenbusch (p. 96), in Ghent (p. 106), in Utrecht (p. 127), in Liege (p. 142), and in Cambray (p. 145). The instruction given in these schools may have been at times in the highest degree incomplete; see Erasmi Epist. ad Lamb. Grunium, below, note 13. Elsewhere, the Brethren were satisfied with helping the existing schools of the town, with furnishing poor scholars with lodging, food, and books, with taking them under their care, and giving them an opportunity to earn something for themselves. Thus the school at Zwoll owed its celebrity, which began under the Rector Joannes Cele († 1417; see with regard to him, Buschii Chron. Windesem, lib. ii. c. 68, p. 601 ss.), in great measure to the Brethren of the place (Delprat, p. 68). Thus also the Brethren supported the schools at Gouda (Delprat, p. 109), Groningen (p. 116), and Harderwyk (p. 119). But above all, the school at Deventer, as it was under the rector Alexander Hegius (from 1465–1498; see with regard to him, Herm. Hamelmanni Oratio de doctis Westphaliae Viris, in his Opp. Genealog. ac Hist. i. p. 94 ss. Delprat, p. 295), became almost world-renowned, and several Brethren assisted in the education of this school (Delprat, p. 54 ss.). In Herford the Brethren taught in the school of the

others were employed in all kinds of trades, to earn their livelihood.<sup>7</sup> At the same time, it was a principal object of the association to forward the religious education of the people,<sup>8</sup> and in par-

Pusinnen Church; see Knefel's *Gesch. des Friedrichsgymnasiums in Herford*. Herford, 1817, s. 9.

<sup>7</sup> The Congregations or Houses of Brethren consisted of Presbyteri, Clerici, and Laici, whose offices were naturally distinct. The Presbyteri had in their charge the government of the society, religious worship, and the work of education; the Clerici were the young men who were receiving education, generally with a view of dedicating themselves to the clerical office; the Laici, the pious laymen, employed in business of all kinds. The Brethren employed themselves specially in the copying of manuscripts (Delprat, p. 814): the house of Hildesheim provided the reformed monasteries in the neighborhood with the requisite Church books (Busch, *De Reform. Monast.* 1, 54, in *Leibnitii Script. Brunsv.* il. p. 855); soon after the invention of printing, a press was set up by the fraternity of Gouda, the first in the Netherlands (Delpr. p. 111, 818): in the house at Herford the parchment required by the copyists was prepared, beer was brewed for sale, wafers were manufactured for the oblation, etc. Knefel's *Gesch. des Friedrichsgymnasiums in Herford*, s. 9.

<sup>8</sup> Their *collationes* (in Dutch *collatien*) contributed especially to this end; these were assemblies for divine service on Sundays and festivals, in which portions of the gospels were read in the language of the people, and practically explained, and at which the preachers asked questions of the persons present. The Brethren also distributed small religious tracts among the people (Delprat, p. 218, 261). Copies of these may be seen in Delprat, p. 306 ss. Comp. Jo. Busch, *Chron. Windesem*, lib. i. c. 47, p. 214: *Quantas in saeculo sunt personae sexus utriusque, quae amicitia his (congregationibus) conjunctae a saeculi vanitate per eas conversae, et ad meliora, sanctum videlicet propositum, et bonam voluntatem libenter Deo serviendi, ipsarum exemplo inductae et provocatae, quamvis ad omnia evangelica consilia statim arripienda propter multa impediens non dum dare se valent, vitam attamen sanctam, a peccatis alienam, ad earum informationem student observare, quis enumerabit?* This activity was naturally most offensive to the mendicants, and thus occurrences might often happen, such as the following, which Jo. Busch, *De Reform. Monaster.*, iii. c. 17, in *Leibnitii Scriptt. Brunsv.*, ii. p. 925 s. records: *Lector quidam Ordinis Fratrum Praedicatorum in Zutphania publice praedicavit, quod laici libros teutonicos habere non deberent, et sermones non nisi ad populum in Ecclesia fieri deberent. Ego autem simplex tunc frater in Windesem, in Zutphaniam missus cum fratre pro negotio, hoc audiens et sciens, plus quam centum congregationes sororum et Beginarum in terra Trajectensi plures habere libros teutonicos, et eos quotidie legere singulariter et in refectorio, constanter contradixi. Busch betook himself, on this account, to the prior of the Dominicans. He answered at first: *Laici quidam altos habent in teutonico libros, videlicet Sententiarum et similes, quos quidam Ordinis nostri transtulit in teutonicum ex latino, Valens Doctor; alii Missale etiam cum Canone habent in teutonico: ergo non valet, quod laici libros legant in teutonico. Busch answered: Hoc non approbo, quod simplices laici, viri vel foeminae, tam altos et divinos libros habent teutonicos: imo et Canonem, in teutonico apud Moniales inventum, ego combussi. Veruntamen libros morales de vitiis et virtutibus, de incarnatione, vita et passione Christi, de vita et sancta conversatione et martyrio ss. Apostolorum, Martyrum, Confessorum et Virginum; homilias quoque et sermones Sanctorum, ad emendationem vitae, morum disciplinam, inferni timorem, patriaeque coelestis amorem provocantes, habere et quotidie legere cunctis doctis et indoctis utilissimum est. Quod si istos admittere non vultis, ego dicta doctorum s. Ecclesiae, Augustini, Gregorii, Ambrosii et Hieronymi, caeterorumque orthodoxorum in scriptis vobis ostendam, quod hujusmodi habere libros omnino utile est et licitum. At last he threatened to bring him before the Bishop of Utrecht; and then the prior compelled the lector to recant in public.**

ticular to train pious clergy and monks : it soon became a fruitful training school for the monasteries.<sup>9</sup> This activity, and the reverence in which the Brethren were held by the people, kept alive the jealousy of the mendicants ; and, inasmuch as the Brethren belonged to the large class of Beghards, they could not fail to find, in the equivocal usage of this name, a pretext for persecution.<sup>10</sup> Eugene IV., indeed, took the persecuted Brethren under his protection ;<sup>11</sup> but many of them nevertheless found themselves com-

<sup>9</sup> Jo. Buschii Chron. Windesemense, ii. c. 16, p. 321: Licet nos Canonici regulares altiore in Ecclesia militante gradum super patres et fratres Congregationum devotarum obtinere videamur, et in oculis hominum statum gerere digniorem ; tamen Pater noster Joannes Huesden (see above, note 4) frequenter nobis valde eos commendavit, dicens, quod ipsi in veris virtutibus, vita sancta, conversatione et moribus in regno Dei nos saepe praecedent, quia vere vitam ducunt apostolicam, in Ecclesia primitiva sub s. Spiritus regimine ab omnibus Christianis observatam, a mundo jam tunc despectam et parum reputatam.—Commendavit autem eos non solum ex eo quod vitam sanctam et communem, simplicem obedientiam, cordis et corporis castitatem, sub simplici habitu et humilli statu, Deo noti, hominibus despecti, summa devotione gestiunt custodire ; verum etiam et maxime quia cunctis Ordinibus reformatis, imo toti Ecclesiae Dei de bonis religioni ac regimini aptis Clericis et personis quotidie satagunt providere. Frequentantes enim Clericos, et laicos servientes saepissime ad se accerientes, ad mundi contemptum, emendationis vitae propositum, religionis desiderium, morum disciplinam, Dei timorem, gehennae horrorem, patriaeque caelestis amorem suis sanctis exhortationibus miris modis solent inducere : quos consequenter ad amica familiariaque colloquia invitare, de vitiiis extirpandis, virtutibusque acquirendis ac tentationibus resistendis informare, et ad meliora provocare, in Dei timore conservare, humilem habitum facere portare, in confessionibus expedire, et si forent pauperes, hospitia et bona habitacula diligenter procurare, atque continuo ad monasteria transmittendos componere solent et praeparare. Cumque in scientiis usque ad sacerdotium, et in sanctis moribus usque ad vitam regularem viderunt eos profecisse, tunc ad loca confugii, ubi animas suas poterunt salvare, videlicet ad monasteria Ordinum diversorum juxta desiderium omnium et singulorum per literas testimoniales eos solent dirigere, aut propriis in personis ipsis conventibus ad habitandum praesentare. Tali namque modo cuncta Ordinis nostri monasteria jam annis plus quam septuaginta per Patres praefatos in debita observantia noscuntur conservata.—Quemadmodum igitur Patres jam praedicti nostra monasteria per idonearum Deum timentium personarum subministrationem in sancta religione probantur conservare ; ita nos vicissim sanctam conversationem eorum et vitam Deo placentem ab hominum iniquorum, maxime Mendicantium non reformatorum pernicioea infestatione omnino defendamus : — qui omnes ex uno fonte initium nostrum primordiale agnoscimus habuisse.

<sup>10</sup> See notes 8 and 9. Jo. Busch, De Reform. Monaster., iii. c. 15, in Leibnit. Scriptt. Brunsv., ii. p. 923 : Praedicator Ordinis Fratrum Minorum, Dominus German, — Lector et Guardianus in Hanover, publice in ambone praedicavit in Hanover, omnes Beginas fore condemnandas, quae sine tertia regula S. Francisci pariter habitarent, sive in communi sive in propriis vivent. The Beguines in Hanover betook themselves thereupon to Busch, at that time provost of Sulza : he took up their case : the guardian appealed to the Constitutions of Clement V. (above, § 118, note 1), and wished to make complaint, but he was nevertheless soon obliged to recant.

<sup>11</sup> By the bull, addressed to all bishops in Germany, Brabant, and Flanders, *Piis votis fidelium*, dd. iv. Idus Maji, 1481 (in Mosheim, De Beghards et Beguinabus, p. 668 ss.), in which first the bull of Gregory XI. (above, § 115, note 7) is adopted and confirmed ; and then it proceeds, inter alia ; Et quanquam praedicti pauperes (above they are called—dilecti filii de cellis, seu voluntariae paupertatis pauperes), viri de per se sci-

pelled to unite with the tertiaries of the Franciscans,<sup>12</sup> in order to obtain peace. However, the mendicants were afterward more favorable to the Brethren, for the monkish training which these gave to the young brought to the former also many novitiates.<sup>13</sup>

licet, et mulieres seorsum, in suis distinctis domibus absque mutua eorum conversatione commorantes, in paupertate et continentia, in humilitatis spiritu Ecclesias devote frequentent; et Romanae Ecclesiae ac eorum Ordinariis—in omnibus reverenter obediant; nullisque erroribus seu ritibus, qui salutaribus praeceptis et fidei orthodoxae repugnent, se involvant; sed liberaliter—miserabiles ac alias honestas personas, ad eorum loca declinantes, gratia hospitalitatis recipiunt, ac requisiti infirmorum curam gerunt, decedentium fidelium corpora, etiam tempore furoris pestilentialis in terris, quas habitant, ad sepulturam ecclesiasticam deferendo, ac alia pietatis et caritatis opera exerceo; etiam de his, quae manibus propriis et mendicatis acquirunt suffragia, egenis erogando, viventes in communi; adeoque Christifideles populi zelo sinceritatis, favoris et dilectionis ipsos plurimum complectuntur:—verumtamen iidem pauperes, ut fidei digna relatione percepimus, a quibusdam haereticæ pravitatis inquisitoribus, ac diversis maxime Religiosis Ordinibus mendicantium, ac aliis eorum semulis in ipsorum bono proposito indebite et injuste inquietantur et perturbantur; ac praetextu praemissorum, captatis exinde quibusdam occasionibus et fictis coloribus, eis diversa gravamina inferuntur pariter et jacturae in animarum molestantium periculum, et pauperum hujusmodi laesionem et scandalum. On the other hand, these societies were allowed to live in common as hitherto: it was forbidden to disturb them; all right over them was taken away from the inquisitors and mendicants, ita quod ipsi inquisitores fratres et quivis alii nullam inquisitionis, visitationis, jurisdictionis, superioritatis potestatem vel officium in eosdem, eorumque domos valeant exercere, nec in ipsos excommunicationis seu alias sententias vel poenas promulgare. They were to be subject to the ordinary alone; but strolling Beghards were not to be tolerated. Power was given to the ordinary to proceed against all the persecutors of these societies with every ecclesiastical censure. In fine, this bull was not to be understood as if it confirmed the—statum praedictorum, ut ordinem religionis approbatae. Another bull, issued by Eugene IV. in favor of the Brethren, dd. 15th December, 1431, may be seen in Revius Daventria Illustris, p. 68 ss.

<sup>12</sup> According to the statement of John Busch, frequently repeated, *e. g.*, Chron. Windesem. ii. 15, above, note 4, this was the case with more than a hundred congregations. Others, on the contrary, adhered all the closer to their freedom and distinctiveness. Thus, the Brethren in Deventer rejected the proposal of Nicolas, cardinal of Cusa, to convert them into canonici; see Dumbar Analecta, t. i. p. 178; Delprat, p. 191.

<sup>13</sup> Erasmi Epist. ad Lambertum Grunnium (In Opp. ed. Lugd. Bat., t. iii. p. ii. p. 1627 or App. Ep. 442): Two young men of promise, in order to induce them to enter the monastic state, instead of being sent to the University, were sent—in contubernium quorundam, qui vulgo Fratres Collationarii vocantur, qui nusquam gentium non nidulantes, instituentis pueris quaestum faciunt. Horum illud praecipuum est studium, ut si quem puerum videant indole generosiore et alacriore, cujusmodi fere sunt ingenia felicissima, eam plagis, minis, objurgationibus, aliisque variis artibus frangant ac dejiciant, id appellant cicurare, vitaeque monasticæ fingant. Quo quidem nomine satis amantur a Dominicis ac Franciscanis, quod dicant ipsorum Ordines brevi interituros, nisi penes illos aleretur seminarium. Ex illorum enim cortibus legunt suos tirones. Equidem arbitror et inter illos esse viros quosdam minime malos: sed quum optimorum auctorum inopia laborent; quum in suis tenebris suis quibusdam moribus ac ritibus degant, seque non aliis, sed sibi ipsis comparent; quum bonam diem partem cogantur precum et operarum pensis impendere; non video, quo pacto valeant liberaliter instituire pueritiam: certe res ipsa loquitur, non aliunde prodire adolescentes inelephantius doctos, aut moribus deterioribus.—Unus praeceptorum talis erat, ut Florentius (one of these youths) neget, se usquam vidisse monstrum vel indoctius, vel gloriosius. Et tales non raro praeficiuntur

In Upper Germany and Switzerland these Brethren of the Common Life could find no entrance; and here the societies of the Beghards still remained addicted to mendicancy, and nurseries of heresy.<sup>14</sup>

### § 143.

#### NEW ORDERS.

The most remarkable of the orders founded at this time is that of the Minims.<sup>1</sup> The founder, Francois, of Paula,<sup>2</sup> a small town in Calabria, after a short residence in an unreformed Franciscan monastery, first lived a life of unusual rigor as a hermit in the neighborhood of his paternal town, and afterward, in 1457, gathered about him a society of congenial spirits. With the fame of his miraculous powers,<sup>3</sup> his Order also, which had been confirmed

*pueris. Non enim eliguntur eruditorum iudicio, sed arbitrio patriarchae, qui plerumque litteras nescit. Alter vero, qui semper visus est unice delectari indole Florentiana, quum sentiret agi de reditu in patriam, coepit privatis colloquiis sollicitare animum adolescentis, ut ipsorum accederet instituto, multa commemorans quibus pueri solent illectari. Quod utinam esset factum! Nam aut volentem pietatis amor apud illos detinuisset, aut si res ita tulisset, licuisset in pristinam redire libertatem. Neque enim hoc hominum genus, quod habent praecipuum bonum, ac priscae religionis vestigium, votis insolubilibus adstringitur.—Ex hac hominum sodalitate novi, qui non modo terribilissimis ac blanditiis, verum etiam horrendis obtestationibus, ac prope dixerim, exorcismis et incantamentis pueros nondum egressos annum decimum quartum divites ac bene natos conati sunt obtundere, ut insciis parentibus ipsorum instituto semet addicerent.*

<sup>14</sup> Compare especially the works of Felix Hämmerlin, composed against the Beghards (see § 139, note 7): *Contra Validos Mendicantes, Descriptio Lolhardorum, Glossa bullarum per Beghardos impetratarum*, all written about 1438: E. g. in the *Descriptio Lolhardorum* (Opp. fol. C. 2, a): *Frequenter etiam accidit, ut patet, quod inter illam malam societatem fuerunt sectae et haeticorum conventicula in diebus et in terris nostris. —Et summarie quod in tota Alemannia superiore non est contra fidem catholicam haeresis introducta, nisi per vulpeculas illius sectae Beghardorum, Lolhardorum et Beghinarum malitiosissimae: absque eo quod quamplures latrones et Sodomitae sunt in eorum habitu reperti. In Switzerland, part of the Beghards maintained themselves in towns, part led the life of anchorites; see Glossa Bullarum (fol. C. 3): Infirmorum curam gerunt illi frequenter, qui in civitatibus morantur, et ad hoc opus sylvestres et anachoretæ non conveniunt, sed in talibus pure quiescunt.—In sepulturis quorumcumque se non intromittunt, qui in nemoribus degunt. Compare, ejusd. Liber de Religiosis proprietariis (fol. B. 5, a): Anachoretas nunc fallaciter se simulant Beghardi et Lolhardi in nemoribus et extra morantes, nullam regulam profitentes, et aliqui de tertia regula fratrum Minorum se recognoscentes, et fallaciter scapulare sumentes.*

<sup>1</sup> Helyot, *Hist. des Ordres Religieux*, t. vii. p. 426 ss. *Pragmatische Geschichte der vornehmsten Mönchsorden*, Bd. 9, s. 7 ff.

<sup>2</sup> On his life, see *Acta Sanctorum*, Apr. t. i. p. 103 ss., ad d. 2. Apr. The earliest and most credible account of his life is composed by a disciple of the saint, A. D. 1502, *ibid.* p. 106 ss.

<sup>3</sup> Even his earliest biographer, a disciple of the saint, records miracles in great num-



by Sixtus IV. in 1474, the members being designated as Eremitae S. Francisci,<sup>4</sup> spread first in Italy, then also in France, after the superstitious Lewis XI., in fear of death, had summoned the founder to his side (1482),<sup>5</sup> and thence into Spain. The Order, which was chiefly distinguished from the rest of the monastic orders by its stated observance of the *vita quadragesimalis*, then received a rule from its founder,<sup>6</sup> and therewith, in order to distinguish it from the fratres minores, and even to outdo them, the name Ordo Minimorum fratrum Eremitarum Fratris Francisci de Paula. The founder was canonized in 1513, soon after his death<sup>7</sup> († 1507, in Plessis les Tours): in order to raise him to a saint, his disciples began to attribute to him points of resemblance to Christ,<sup>8</sup> in imitation of the Franciscans; and these insipid fabrications,

bers. Still these were common miracles enough; and the author himself confesses, that not all of the saint's miraculous cures were successful; see § 57, Acta SS. l. c. p. 119: Hic vero posset interrogare aliquis, cur non ii omnes exauditi sunt, qui ejus opem imploraverunt? In promptu autem responsio est, multos languere corporaliter, ut spiritualiter vivant, etc.

<sup>4</sup> By the bull *Sedes Apostolica*, dd. 28d May, 1474.

<sup>5</sup> Comp., on this head, the account of the eye-witness, Philip de Comines, *Mémoires*, lib. vi. c. 8.

<sup>6</sup> The first rule was confirmed by Alexander VI. in 1492. But afterward Francis took upon himself to make certain alterations, and thus four rules followed, one after the other; the second was confirmed by Alexander VI. in 1501; the third in 1502; and the fourth, and last, by Julius II., dd. v. Kal. Aug., 1506. This fourth rule falls into three divisions—the *Regula fratrum*, the *Regula sororum*, and *regula Tertiariorum*. In the second and third rule, besides the three monastic vows, there was added, as a fourth, the—*votum vitae quadragesimalis*: in the fourth rule, cap. 6, this was enjoined in the following words, ut singuli hujus Ordinis fratres a cibis carnalibus omnino abstineant, et dignos poenitentiae fructus in cibo quadragesimali taliter agant, quod ipsi carnes ac omnia sementinam originem a carnibus ipsis trahentia penitus vitent. Carnes igitur et pinguedo, ova, butyrum, caseus, et quaevis lacticinia ex eisdem congesta et producta, intus et extra, omnibus et singulis, fratribus ipsis et oblati, sint omnino et irrefragabiliter interdicta.

<sup>7</sup> The Bulls beatificationis, by Leo X., dd. Non. Jul. 1518, is in the Act. SS. l. c. p. 165.

<sup>8</sup> Thus, in the processes which were instituted with a view to his canonization, we first read, that when a boatman refused to ferry him over to Sicily without money, he walked across the straits on foot; see Act. SS. l. c. p. 168: discessit ab eis usque ad balistae ictum, et orationem fecit et mare benedixit. Et in illo instanti aspexerunt b. Franciscum solum super undas euntem: et sic per illam partem transfretavit in Siciliam. Here, indeed, the whole story rests only on the assertion; (testis) apud maritima terrae Royae audivit dici: however, afterward the account became more circumstantial and more assured. Then it is there also recorded, p. 178, how Franciscus de Paula had divided a few apples among many persons, cum unusquisque malum unum cepisset, nihilominus cistula evacuata non fuit, sed plena remansit; likewise, p. 186, how he had fed many people with a few loaves, et non videbatur deficere nec diminui, sed potius crescere; p. 182, how he calmed the raging of the sea, and thus saved a boat: viso navigio coepit clamare: *Jesu, Jesu*, signum crucis faciendo. Unde immediate mare tranquillum factum est, et tempestas fugata est et cessavit.

even after his canonization (1519),<sup>9</sup> were continued and enlarged by the Minims.<sup>10</sup>

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#### FOURTH CHAPTER.

##### INTERNAL HISTORY OF THE CHURCH.

##### § 144.

##### HISTORY OF SCHOLASTICISM.

[Cf. H. Ritter, *Geschichte d. Christlichen Philosophie*, 4. 8; also a sketch by him of the Scholastic Philosophy, in Raumer's *Hist. Taschenbuch*, 1856. F. D. Maurice, *History of Mediaeval Philosophy*, 8. Lond. 1856 (in the new edition of the *Encycl. Metropol.*)—Thought and Study in Europe, from the Foundation of Universities to the Reformation, 8. Lond. 1857.]

The time of the original productiveness of scholasticism had long since passed away. The various schools only repeated and defended what their founders had formerly taught; their highest aim was to surpass each other in skill of disputation. Nominalism maintained the advantage it had won; though suspicion of its orthodoxy continued to cling to it. In 1473 Lewis XI. did indeed forbid all nominalistic teaching;<sup>1</sup> but, in 1481, when he

<sup>9</sup> See *Acta SS.*, l. c. p. 217.

<sup>10</sup> Thus the story, that upon the saint's birth, *hymnodiam personuisse angelicam, sicut Christo nato*, is first found in a work of Nicolaus Rovillardus, *Romae*, 1628; see *Act. SS.*, l. c. p. 198.

<sup>1</sup> The King's edict of 1st March, 1478, may be seen in *Bulæi Hist. Univ. Paris.*, v. p. 706 ss.; see p. 708: *Et ulterius statuimus et edicimus, quod prædicta Aristotelis doctrina ejusque commentatoris Averrois, Alberti M., S. Thomae de Aquino, Aegidii de Roma, Alexandri de Hales, Scoti, Bonaventuræ aliorumque Realium Doctorum, quorum doctrina, ut dictum est, retroactis temporibus sana securaque comperta est, tam in sacra theologia quam in artium Facultatibus in prædicta Universitate Paris. deinceps more solito legatur, doceatur, dogmatizetur, discatur et intimetur. Alteram autem prædictorum Nominalium—in eadem civitate aut alibi quoquoersum in regno nostro deinceps palam nec occulte quovismodo nullatenus esse legendam, docendam et dogmatizandam, aut aliquatenus sustinendam expresse decernimus. All the teachers of the University were to swear that they would obey this edict. The contemporary, Robertus Gaguinus, *Ep. 25*, informs a friend at Rome (l. c. p. 711): *Res autem eo deducta est, ut Nominalibus veluti Elephantias pruritu pestilentibus edictum sit exilium. Quorum celebriores libri, quos et bibliotheca Pontificum interdicto distrahi nefas erat, ferro et clavis tanquam compedibus, ne introspectentur, vinctos esse jussit Rex Ludovicus. Putares missellos codices arreptitia quadam phrenesi et daemónico furore, ne visentes impetant, esse ligatos. Sic indomitos leones et belluas vinclis cohibemus et carcere.* A work in defence of the nominalists thus states the causes of these persecutions (d'Argentré, *Collectio Judiciorum de Novis Erroribus*, I. ii. p. 287): *Cujus potissimum tres causæ reperiuntur. Prima est laus et gloria eorum, qui huic doctrinæ insudant. Secunda causa est, quia qui dicuntur Nominales, ita aliquos et maxime Thomistas superant disputando, ut**

found himself obliged to restore its freedom,<sup>2</sup> its triumph was decisive. Nominalism did, indeed, still continue to assert a degree of freedom of thought, such as is apparent in the works of Gabriel Biel of Tübingen († 1495), the last of the more eminent schoolmen.<sup>3</sup> But the great mass of the nominalists clung to a barren dialectics. Among the schoolmen of this time St. Antoninus<sup>4</sup> is pre-eminent in moral philosophy, but even in this field the love of logic only too often outweighed the sense for truth and morality.<sup>5</sup> In the course of this period scholasticism sunk in general

nullo modo eis resistere possint, et ob hoc eos penitus exterminare nituntur. Tertia causa est ex quadam haeresi confecta in Universitate Lovanii. Quidam enim Lovaniensis Regens (Petrus de Rivo; see the history of this controversy, l. c. p. 256) tractatum composuit in quo negabat certitudinem et praesentiam divinam de contingentibus, asserens propositiones de futuro contingenti, etiam contentas in Biblia et a Christo prolatae, non esse veras. Quem tractatum his haeresibus plenam approbavit Lovaniensis Universitas, promotoremque suum Parisius misit sollicitare Facultatem theologiae, quatenus dictum tractatum approbaret. Cui cum multi dictae Facultatis Doctores, et illi maxime, qui doctrinae Nominalium exterminationem procurant, faverent; se viriliter objecerant et opposuerunt illi qui dicuntur Nominales, nullum periculum pro defensione fidei formidantes, impediuntque, ne theologiae Facultas dictum tractatum approbaret. Quod molestissime illi, qui dicuntur Reales, tulerunt, et usque ad xxiv. se dicto tractatui subscripserunt et illum approbaverunt.

<sup>2</sup> Bulaeus, v. p. 789; d'Argentré, I. ii. p. 302. The provost of Paris writes to the rector of the University: *Le Roi m'a chargé faire declouer et defermer tous les livres des Nominaux,—et que je vous fise sçavoir que chacun y estudias qui voudroit.* The nations of Germany and Picardy, according to their extant declarations, regarded this decree as a triumph of the truth. The German nation made known, quod veritatis et doctrinae et via, quae diu latere non potest, publicaretur;—et clausi in compedibus seu catenis libri, ut lubet, aperirentur, a Studiosis visitentur, et a Doctoribus dogmatizentur, quicamque etiam Magistri doctrinam, quam lubet, libere doceant.

<sup>3</sup> His most remarkable works are, an unfinished *Collectorium ex Occamo*, in libb. iv. *Sententiarum* (ed. Tubingae, 2 vol. fol. 1502, and at other times: sometimes quoted as *Comm. in libb. iv. Sent.*, on which account these two titles have now and then been erroneously considered to belong to two different works), and *Expositio Canonis Missae* (ed. Tubing. 1499, and at other times). Among his free-thinking views are these: that, agreeably to the decree of Constance, he maintains the supremacy of the Church over the Pope, *Expos. Can. Lect. xxiii. fol. 30, col. 1*; that he advocates the decrees of Basle (*Coll. lib. iii. Dist. iii. Qu. 1, Art. 2: Sunt impudentes, qui dicere avari sunt, Basileense Concilium non fuisse legitime congregatum, et ideo constitutiones suas nullas fore, contra acceptationem eorum in concordatis Principum*); that he doubts the character, which was thought to be the effect of certain sacraments (*Coll. lib. iv. Dist. vi. qu. 2, art. 1, concl. 1. Characterem esse ponendum, nec ratio necessaria, nec evidens auctoritas probat, compare the whole Quaest.*); that he declares absolution to be not judicialis (*Coll. lib. ii. Dist. xxvii.: Non unquam sacerdos absolvit eum, qui non prius a Deo, summo sacerdote, absolutus est. Unde sacerdos absolvendo contententem pronunciat eum absolutum, non remittit peccatum*). Compare H. W. Biel, *Diss. Theol. de Gabriele Biel Celeberrimo Papista Antipapista*. Vitemb. 1719. 4.

<sup>4</sup> With regard to him, see the sources at the beginning of this period. *Summa Theologica* in 4 Partt. There is an extract from this work in de Wette's *Gesch. d. Christl. Sittenlehre. Zweite Hälfte, s. 179 ff.*

<sup>5</sup> So says the author of the preface to the edition of Petrus de Alliaco, *De Emendati-*

estimation in the same degree that the newly awakened knowledge of antiquity increased. The struggle between the two became the more unequal, in proportion as all the men of distinguished ability attached themselves to the latter. The gloomy halls of scholasticism became more and more the resort of narrow-mindedness, ignorance, and rudeness.<sup>6</sup> It made itself as ridiculous by its obscurities as it was contemptible for its vain and often audacious trifling with imaginary problems;<sup>7</sup> it is depicted in the

one *Ecclesiae Liber*. (s. loco et anno, but probably published in 1511), perhaps Ulric of Hutten: *Theologia ista scholastica, quae est ingeniosa cum ad conscientias in nugis aggruandas, tum rursus ad inveniendas excusationes in peccatis multo solertissima.*

<sup>6</sup> Their ignorance of Holy Scripture and the Church fathers was most astonishing, Cf. Erasmus, *De Ratione Verae Theologiae*, p. 87: *Quale spectaculum est, theologum octogenarium nihil aliud asperere quam mera sophismata, et ad extremum usque vitae nihil aliud quam arguari? Nam huiusmodi non paucos vidimus olim Lutetiae, quibus si quid depromendum fuisset ex Paulo, videbantur sibi prorsus in alium mundum translati. Ejusd. Epist. Apologetica ad Mart. Dorpium (Opp. ed. Lugdun. t. ix.): Possem tibi producere, qui annum egressi octogesimum tantum aetatis in scholasticis tricis perdiderint, nec unquam contextum evangelicum evolverint, id quod a me compertum ipsi quoque demum confessi sunt. Bilibaldi Pirckheymeri epist. apologetica pro Reuchlino. Nurenbergae, 1517 (in v. d. Hardt, *Hist. Literaria Reformationis*, P. ii. p. 185): Non parum multos invenies, qui absque depravata illa concertatione, ac argutiarum fulgine sanctissimam theologiam consistere minime posse existimant. Hinc est quod vetus testamentum a similibus negligitur, novum quasi idiotis scriptum vilipenditur, Apostolorum doctrina vix lectione digna putatur. Hinc quod divus Hieronymus tamquam grammaticus contemnitur, b. Augustinus etiamnum ignorantiae damnatur, quem dicaculi illi nec argumenta sua, si in vitam reverteret, intellecturum somniant, non propter rudem illam et insignem barbariem, sed quia instantiarum, relationum, ampliationum, restrictionum, formalitatum, haecceitatum, quidditatum, et reliqua id genus portentosa vocabula ignoraret. Quicquid enim syllogismorum spinositate non intorquetur, id penitus a theologica eruditione alienum putant. Robertus Stephanus, in the preface to *Responsio ad censuras theologorum Parisiensium*, quibus biblia a se excusa calumniose notarunt, 1582: Ante paucos annos quidam ex Sorbona sic loquebatur: miror quid isti juvenes nobis semper allegent novum testamentum. Per Deum ego plus habebam quam quinquaginta annos, quod nesciebam, quod esset novum testamentum.*

<sup>7</sup> Cf. Jacobus Carthusianus (or de Paradiso, see § 186, note 81), *De Arte Curandi Vicia* (ex MS. in v. d. Hardt, *Autographa Lutheri praef.* p. 48): *Quid theologi nostro tempore student, nisi de potestate Dei, de providentia, de communicatione idiomatum, de natura Angelorum? Et de huiusmodi altis et raris et dubiis disputant in altis cathedris, magnis quaestionibus et libris se ostentantes. De practica autem emendationis vitae, et de modo agendi poenitentiam, de practica caritatis Dei et proximi, de humilitate servanda, ac de zelo animarum, de abusionibus deponendis et confutandis, quae sunt in Ecclesia Dei adeo magnae et multae, ut vix verus ordo vivendi secundum Christianam Religionem possit apparere. . . . Erasmus, Annot. in 1 Tim. i. 6, says, with reference to the unprofitable questions of the schoolmen: Haec si vel animi laxandi gratia, vel citra contentionem agerentur, ferri poterant. Nunc quibusdam tota aetas in huiusmodi quaestionibus consumitur, et res usque ad clamorem, usque ad vera dissidia, usque ad convitia, nonnumquam usque ad pugnos procedit.—Quid autem nunc loquar de quaestiuiculis, non solum supervacaneis, sed pene dixerim impiis, quas movemus de potestate Dei, de potestate Romani Pontificis? An Deus possit quodvis malum, etiam odium sui praecipere, et omne bonum prohibere, etiam amorem et cultum sui; an possit actu infinitum secundum omnem dimensionem producere; an potuerit hunc mundum*

*Epistolae Obscurorum Virorum*, though perhaps with satirical exaggeration, still truly as to the main features. Thus at the time of the Reformation scholasticism was already destitute of real life; after this time it is in some countries only preserved, chiefly in the religious houses, as a mummy, and as such can no longer be the subject of history.

etiam ab aeterno meliorem facere quam fecit; an possit producere hominem, qui peccare nullo modo queat; an revelare possit alicui suum futurum peccatum, aut damnationem; num possit aliqua distincte intelligere, si ad illa non habeat distinctas relationes rationis; an possit respectum producere sine fundamento et termino; an possit naturam universalem producere et conservare sine singularibus; an possit aliquo praedicamento contineri; an potestatem creandi possit communicare creaturae; an possit ex facto facere infectum, ac per hoc ex meretrice facere virginem; an quaelibet persona divina possit quamlibet naturam assumere, quomodo Verbum humanam assumpsit;—an haec propositio: Deus est scarabeus, aut cucurbita, tam possibilis sit, quam haec: Deus est homo; an Deus assumpserit individuum humanum, an speciem; an potius conveniat Deo, non posse facere impossibile, an impossibile non posse fieri a Deo, etc.—Jam vero de Romani Pontificis potestate pene negotiosius disputatur quam de potestate Dei, dum quaerimus de duplici illius potestate, et an possit abrogare quod scriptis Apostolicis decretum est; an possit aliquid statuere quod pugnet cum doctrina evangelica; an possit novum articulum condere in fidei symbolo; utrum majorem habeat potestatem quam Petrus, an parem; an possit praecipere Angelis; an possit universum purgatorium quod vocat tollere; utrum simplex homo sit, an quasi Deus; an participet utramque naturam cum Christo; an clementior sit, quam fuerit Christus, cum is non legatur quenquam a purgatorii poenis revocasse; an solus omnium non possit errare. Sexcenta id genus disputantur magnis editis voluminibus, idque a magnis theologia, praesertim professione religionis insignibus.—Et tamen hujusmodi quaestionculis serie occupantur quorundam theologorum scholae. His aetas rerum omnium fugacissima conteritur, cum pleraque sint ejus generis, ut doctius nesciantur quam sciantur, ut ridicula quaerantur, temere definiantur. Breve tempus est, et arduum est negotium agere vere Christianum. Quin igitur omnis rebus supervacaneis ea potissimum spectamus, quae Christus nos scire voluit, quae prodiderunt Apostoli, quae proprie ad charitatem faciunt, de corde puro, et conscientia bona, et fide non ficta, quam unam Paulus appellat finem et perfectionem totius legis. Tot jam annis cavillamur in scholis, quibus verbis sit loquendum de Christo. An haec propositio sit vera: Christus fuit ab aeterno, an recte dicatur compositus ex utraque natura, an constare, an confusus, an commixtus, an conglutinatus, an coagmentatus, an ferruminatus, an copulatus. Nihil horum placet, tantum placet unitus, etc.—Si haec essent colloquia pomeridiana Christianorum, probarem hujusmodi sermonibus excludi fabulas ineptas. Nunc haec videntur fidei nostrae praesidia. Quaerimus ea, quae nec scire possumus, nec scire jubemur. Illa negligimus, quae sola fuerant meditanda. Sunt autem quaedam hoc ipsa perniciose, quod obscuritate sua remorantur ac fatigant ingenium, melioribus alioqui rebus occupandum.—Et in hac theologia tam non simpliciter vitam omnem consumunt, qui simplicem et apostolicam profitentur. Et qui ipso etiam cognomine summam modestiam profitentur, hujusmodi philosophiae professione tollunt cristas.—Novi quemdam theologum, qui negabat annos novam sufficere ad intelligenda quae Scotus scripsit tantum in praefationem Petri Lombardi. Audivi rursus alium, qui praedicabat fieri non posse, ut quis intelligeret unam propositionem in toto Scoto, nisi metaphysicam ipsius universam teneret memoria. Hujusmodi labyrinthis Basilides, Valentinus et Marcion captabant animos simplicium. Denique fingamus haec esse frugifera, quanta hic occurrit opinionum pugna? Fingamus rursus omnia convenire, quam multa frustra quaeruntur, quam multa temere definiuntur? Et praetextum, has argutias ad revincendos Ethnicos et haereticos esse necessarium illa nusquam sint usui, nisi inter ejusdem scholae sodales. In a letter

## § 145.

## HISTORY OF DOCTRINE AND WORSHIP.

As in all other departments of the Church, so also in the sphere of religious worship during this period, the most shameless abuses and exaggerated superstition, and ecclesiastical fraud, are displayed side by side with the frank resistance and demands of the reforming party.<sup>1</sup> However, the former retained its ecclesiastical authority, while the latter died away with no decided effect; chiefly because they left untouched that corruption of doctrine which was the root of the evil. Thus voices were raised to protest against the overgrowth of canonizations,<sup>2</sup> to denounce the frauds of the clergy in lying miracles and forged relics,<sup>3</sup> and to subject the legends of the saints to criticism.<sup>4</sup> Nevertheless, the

written from Paris, A.D. 1499, ad Thomam Grejum, in Edit. Lugd. Epist. 85, t. iii. p. 1, p. 77 s., Erasmus jests bitterly about—*nostræ tempestatis theologastros*, among whom he lived, *quorum cerebellis nihil putidius, lingua nihil barbarius, ingenio nihil stupidius, doctrina nihil spinosius, moribus nihil asperius, vita nihil fucatus, oratione nihil virulentius, pectore nihil nigrius.*

<sup>1</sup> Jacobus Carthusianus (or de Paradiso, see § 136, note 81), *De Arte Curandi Vitia* (ex MS. in v. d. Hardt, *Autographa Lutheri* præf. p. 48): *Tot sunt superstitiones, tot malæ, imo pessimæ et scandalosæ consuetudines in Ecclesiis tam saecularium quam religiosorum: ita ut tota fere religio christiana videatur suffocata, velut zizania quaedam inimicus homo superseminavit tritico. Ita ut iterum merito Christus posset nostris temporibus replicare, ut olim Judæis fecit: propter traditiones vestras praevaricati estis mandata Dei.* De his omnibus et plurimis aliis nemo Praelatorum aut theologorum moderno tempore facit mentionem debitam: et si contingat aliquando fieri, hoc tamen fit adeo superficialiter, cum tot excusationibus, ut nullus eis, nec aliis inde sequatur fructus emendationis.

<sup>2</sup> Gerson, *De Probatione Spirituum*, *Consid.* viii. *Opp.* i. p. 40. *Clarae memoriae Magister Henricus de Hassia* (see above, § 106, note 1), comprimendam esse tot hominum canonizationem scripsit. Jo. Bodinus (procurator to the King at Laon, † 1596), *Methodus Historica*, c. 4: *Bessarion* (Cardinal, † 1472), quum inter divos inepta quadam ἀποθεώσει Romæ quam plurimos referri videret, quorum vitam improbarat, se valde dubitare dixit, utrum vera essent, quæ ab antiquis prodita fuerunt.

<sup>3</sup> Jac. Carthusianus (see § 136, note 81), *De septem Ecclesiae Statibus* (in *Walchii Monim. Medii Aevi*, ii., ii. p. 60), reckons among the necessary reforms, ut cum severitate debita coercentur divinatores, incantatores, arioli, aruspices, somnia observantes, carminibus illicitis insistentes, et benedictionibus superstitionis, necromanticis artibus operam impendentes: *altaria aut Ecclesias in conventiculis locorum sub specie miraculorum aut sanctorum erigentes propter turpem quaestum.* An example in *Wittii Hist. Ant. Saxoniae*; see above, § 140, note 18. A Bernardine preached, about 1509, at Vienna (*Conspectus Hist. Univers. Viennensis Saec. ii.* p. 78), quod sacerdotes in Ecclesiâ non ostendant veras reliquias, sed reliquiarum loco imponant ossa equorum, et sic decipiant homines.

<sup>4</sup> Thus, Gobelinus Persona (see the reference to him at the head of Division IV., p. ii.), *Cosmodromium Aetas vi.* c. 15, in *Meibomii Rerum Germ.*, i. p. 201 s., demonstrates

Epistolae Obscurorum Virorum, though perhaps its frauds and exaggeration, still truly as to the main feature. A particular, the time of the Reformation scholasticism was already that the custom of life; after this time it is in some countries of Lord's Supper, first in the religious houses, as a mummy, and was supposed to have suffered at the hands of the monks of Cusa, and especially Laurentius of Constantine (see vol. ii. p. 118, § 20).

etiam ab aeterno meliorem facere quam factum est, et non potest  
 care nullo modo queat; an revelare possit, et si non, non potest  
 tionem; num possit aliqua distincte intentione, et si non, non potest  
 nes rationis; an possit respectum productionis, et si non, non potest  
 turam universalem producere et conservare, et si non, non potest  
 cemento contineri; an potestatem habere, et si non, non potest  
 facto facere infectum, ac per hoc, et si non, non potest  
 vina possit quamlibet naturam, et si non, non potest  
 haec propositio: Deus est seipsum, et si non, non potest  
 est homo; an Deus assumat, et si non, non potest  
 niat Deo, non posse facere, et si non, non potest  
 vero de Romani Pontificis, et si non, non potest  
 dum quaerimus de, et si non, non potest  
 cis decretum est, et si non, non potest  
 possit novam, et si non, non potest  
 quam Petrus, et si non, non potest  
 um quod vult, et si non, non potest  
 que natus, et si non, non potest  
 quatenus, et si non, non potest  
 centum, et si non, non potest  
 centum, et si non, non potest  
 or, et si non, non potest

Quo fit, ut stultitiam stultitia cumulantes, illis offerant aurum, ar-  
 gemmasque coloribus litas imagines colant, non ut figuras, sed perinde  
 cupidoresque, qui saxeam vel ligneam, marmoream, aeneam, seu in  
 aliquem habeant, et iis magis fidant, quam Christo, vel aliis divi-  
 Quis illi tacent, et vulgo ex suo usu tacere putantur, idcirco  
 ut haec pietatis pars parum differat ab impietate. Sunt enim  
 gemmatos, omnifariasque gemmas ibidem senio perituras, et ut ad id  
 inescunt illi, qui talem segetem metunt, nummos perforant, filoque  
 aut manibus ipsarum imaginum suspendant, donaria in locis conspi-  
 collocent, titulosque apponant, quo nomina offerentium et diis et homini-  
 dant. Sic bona pars hominum per haec magis delirare inducitur, ac insuper  
 quoties itinera conficere, ut unam imagunculam adeat, ibique donaria sua re-  
 praetermisso cuncto alio aut pietatis aut charitatis officio, rata se omnino sat-  
 agitionis fecisse, sat poenituisse, si inter itionem lautius victitando aurum obtulisset.  
 deo vol. ii. p. 481, § 77, note 10-12. Decretum Constantiensis Concilii contra com-  
 munionem sub utraque, et contra Jacobum de Misa, in the Sessio XIII., 15th June, 1415.  
 in v. d. Hardt, Conc. Const. iii. p. 646, and iv. p. 333: Cum in nonnullis partibus qui-  
 dam temerario asserere praesumant, populum Christianum debere Eucharistiae sacra-  
 mentum sub utraque panis et vini specie suscipere, et non solum sub specie panis, sed  
 etiam sub specie vini populum laicum passim communicent; etiam post coenam, vel  
 alias non jejunum communicandum esse pertinaciter asserant, contra laudabilem Eccle-  
 siae consuetudinem rationabiliter approbatam, quam tanquam sacrilegam damnabiliter  
 reprobare conantur: hinc est, quod sacrum Constantiense Concilium adversus hunc er-  
 rorem salutem fidelium providere satagens, matura plurium Doctorum tam divini quam  
 humani juris deliberatione praehabita, declarat, decernit et definit, quod, licet Christus  
 post coenam ingituerit et suis Apostolis ministraverit sub utraque specie panis et vini  
 hoc venerabile sacramentum, tamen hoc non obstante sacrorum canonum auctoritas,  
 laudabilis et approbata consuetudo Ecclesiae servavit et servat, quod hujusmodi sacra-  
 mentum non debet confici post coenam, neque a fidelibus recipi non jejunis, nisi in casu  
 infirmitatis aut alterius necessitatis, a jure et ab Ecclesia concessa et admissa. Et sicut  
 haec consuetudo ad evitandum pericula aliqua et scandala rationabiliter introducta est,  
 sic potuit simili vel majori ratione introduci et rationabiliter observari, quod, licet in  
 primitiva Ecclesia reciperetur hoc sacramentum a fidelibus sub utraque specie, tamen  
 postea a confidentibus sub utraque specie, et a laicis tantummodo sub specie panis sus-  
 cipiatur: cum firmissime credendum sit, et nullatenus dubitandum, integrum corpus  
 Christi et sanguinem tam sub specie panis quam sub specie vini veraciter contineri.  
 Unde cum hujusmodi consuetudo ab Ecclesia et sanctis Patribus rationabiliter introduc-

sanctioned by the Church at the Council of Constance, might be plausibly impressed upon the people. This was often evidently a work of selfish fraud. The imposture about the *Holy Blood* at Wilsnack, in Priegnitz, was indeed recognized and censured by a Synod at Magdeburg in 1412,<sup>7</sup> and afterward constantly by some individuals;<sup>8</sup> the Cardinal, Nicolas of Cusa, as Papal legate, in

ta, et diutissime observata sit, habenda est pro lege, quam non licet reprobare, aut sine Ecclesiae auctoritate pro libito immutare. Quapropter dicere, quod hanc consuetudinem aut legem observare sit sacrilegum aut illicitum, censeri debet erroneum: et pertinaciter asserentes oppositum praemissarum tanquam haeretici arcendi sunt, et graviter puniendi per dioecesanos locorum seu officiales eorum, aut inquisitores haereticae pravitatis in regnis seu provinciis, in quibus contra hoc decretum aliquid forsitan fuerit attentatum aut praesumptum, juxta canonicas et legitimas sanctiones, in favorem catholicae fidei contra haereticos et eorum fautores salubriter adinventas.

<sup>7</sup> Compare above, § 119, note 15. John Huss, in his work *De Omni Sanguine Christi Glorificato* (Opp. i. p. 198 ss.), first declared himself against this fraud, and probably thus occasioned the *Articuli, Ottoni Havelbergensi Episcopo in Madeburgensi Concilio, ann. 1412, propositi* (in *Hartzheim Concil. Germ. v. p. 35*): I. In oppido vestro Wilsnack illicita fieri perhibentur in opere, sermone, et fallacibus signis: et primo quidem innumerabilia et incredibilia miracula, et saepe quod mortui resurgant, quorum tamen nemo visus est. II. Licet talia figmenta sint publica, nunquam tamen audivimus, aliquem vestrorum Clericorum propter hoc esse punitum, ut aliis cederet in exemplum; cum tamen scriptum sit, peccantem coram omnibus arguere, ut et caeteri timorem habeant. III. In majorem confirmationem errorum magna miraculorum volumina conscripta sunt, et diutim talia figmenta conscribuntur, ita quod de Christo, et ejus Apostolis non tot scripta sunt, quam ibidem habentur: et haec magna praesumptio est, posteris nostris talia relinquere in scriptis, quasi per praedecessores Praelatos et Doctores sint approbata. IV. Veneratur ibidem populus cruorem, nescimus quem: cum tamen nullus ibidem habeatur, nec aliquid simile cruori. Hoc primo ortum habuit ab illius loci quondam Plebano, cui fides non debuit haberi, ex eo quod per se fassus est in Magdeburg, qualiter egit, testibus fel. mem. Christiano s. theol. Doctore de Ord. Minorum, et quondam Magistris in theol. Henrico de Geysmania et Petro Steinbecke. V. Alii cautius loquentes asserunt, non cruorem, sed sacramentum ibidem venerari, contra quos communis nominatio loci militat, quia dicitur *ad sacrum sanguinem*, et invocatio talis est: *adiuva me sacer sanguis, vel sacer sanguis me liberet*. Quando tamen necesse non est, ad illum locum propter sacramentum recurrere, cum ubique in Ecclesiis habeatur. VI. Pro reliquiis ibidem exponitur nescimus quid de cera candelae, quo fideles consignantur, cum juris sit dispositio, nullas venerari reliquias, nisi a sede Apostolica sint approbatae. VII. Dicuntur ibidem publicari indulgentiae multae et magnae, nec tamen constat, quis easdem dederit. VIII. Clerici ibidem ministrantes divina, leves et multiloqui, absque timore Dei absolvunt in casibus gravibus, nescitur cujus auctoritate. IX. Sumptuosum ibi aedificium erigitur, ex quo fama loci confortatur et dilatatur in remotiora, quod non expedit, antequam res examinetur et justificetur. X. Multa in super ibidem dominatur avaritia: ille pro pecunia visitat peregrinos; ille vendit signa, quibus tamen nullum correspondet signatum; alius, si petatur pronuntiari aliquod miraculum, petit pecuniam; alius etiam a pauperibus mendicantibus exigit pecuniam pro cedula, in qua innotescit, talem et talem ex ipsis ibi fuisse; alius petit ad structuram, alius ad sacras candelas, etc. Quapropter cum non modicum imputetur Ecclesiae Magdeburgensi et ejus Pontifici, quicquid ibi committitur erroris, petit sacrum hoc Concilium, super omnibus ac singulis praemissis informari a vobis.

<sup>8</sup> True the Dominican, John Cuno, at Leipzig, and the Franciscan, John Calbe, in Misnia, suffered persecution on this account; but the judgment of the Universities of



1451, prohibited all bleeding Hosts.<sup>9</sup> However, these frauds continued to be not only tolerated, but even encouraged by the popes,<sup>10</sup>

Leipzig and Erfurt drawn forth by them in 1444, pronounced the miracles of Wilsnack suspicious. The Dominican, John Wünschelberg, of Hamburg, in his treatise on False Signs and Wonders, in 1446, derives all the miracles of Wilsnack from the avarice of the parochial clergy. M. Henry Tacke, prebendary of Magdeburg, strove with zeal against this abuse: his efforts were vain with Frederick II., elector of Brandenburg, and the Bishops of Brandenburg and Havelberg, but were more successful with the Archbishop Frederick of Magdeburg. Then he referred the matter to Rome, and Pope Nicolas V. charged the Bishop of Lubeck to investigate the case; he wrote admonitory letters on the subject to the Bishops of the March, in 1450: compare especially the *Historia Matthæi Ludæci* (dean of the Cathedral Church at Havelberg) of the *Discovery, Miracles, and Destruction of the pretended Sacred Blood of Wilsnack*, Wittenberg, 1586. 4, a collection of early works and many documents (some of which may be found also in *Ludewig Reliqu. MSS.*, viii. p. 286 ss. and 348 ss.), given in the *Fortgesetzte Sammlung von alten u. neuen theolog. Sachen*, 1748, s. 165; *Lentzen's Stiftshistorie von Havelberg*. Halle, 1750, 4. s. 43 ff.

<sup>9</sup> *Dd. Halberstadt*, 5. Jul., 1451 (in *Lentzen's Stiftshistorie von Havelberg*, s. 64 f.): Sane multis probatissimorum virorum relatibus et visibili experientia comprobavimus, fideles ad multa loca nostrae legationi subjecta concurrere ad adorandum Christi Dei nostri pretiosum cruorem, quem in nonnullis transformatis hostiis speciem rubedinis habere arbitrantur. Attestantur autem verbis suis, quibus communiter talem rubedinem Christi cruorem nominant, se sic credere et adorare, et quia sacerdotes, qui ob pecuniarum quaestum ista non solum fieri permittunt, sed etiam ut sic credant et adorent, per miraculorum publicationem populum alliciunt et sollicitant. Nos igitur, qui rem tam perniciosam et nostrae fidei contrariam sine Dei maxima offensa sub silentio pertransire non possumus, cum corpus Christi glorificatum sanguinem glorificatum penitus invisibilem habere catholica fides nos instruat, ad tollendam omnem occasionem, per quam simplex vulgus taliter seducitur, praesentium tenore, auctoritate, qua fungimur, statuimus et ordinamus, quod, ubicunque tales hostiae transformatae reperiuntur, per omnes provincias Alemanniae nostrae legationi subjectas, statim postquam ad notitiam sacerdotum, qui locis illis praefuerint, haec nostra ordinatio perducta fuerit, ab ulteriori publica ostensione transformatarum hostiarum penitus cessent, et nequaquam amplius populo palam miracula publicent, aut signa plumbea ad instar transformatarum hostiarum fieri permittant, sed istas transformatas hostias potius per sacerdotem celebrantem sumi in communionem praecipiant, quam sacratissimam Eucharistiam in spiritualem refectionem nobis divino munere datam per specierum corruptionem desinere permittant. Omnem autem locum, in quo post monitionem ab ostensione hostiae transformatae cessatum non fuerit eo ipso quod ter ipsa prohibita ostensio continuatur, ex nunc prout ex tunc, et ex tunc prout ex nunc strictissimo supponimus interdicto, quousque Archiepiscopus provinciae loci illius, ubi inhibita ostensio praesumpta fuerit, habita certitudine de obediendo huic nostrae ordinationi hujusmodi interdictum duxerit amovendum. Volentes, quod ostensores ipsi post nostram eis insinuatam ordinationem ab omni officio, quousque ab Archiepiscopo absoluti fuerint, suspensi existant. Pariformiter et sub eadem interdicti latae sententiae poena statuimus et mandamus, omnes tales imagines et picturas ab oculis simplicis vulgi amoveri, ad quas propter figuram visibilem in suis adorationibus vulgus ipsum specialius recurrit, et per publicum concursum in figura ipsa se salutem quaerere, verbo aut signo ostendit. Nevertheless, the letter of Frederick, archbishop of Magdeburg (in *Lentzen*, s. 65), in which he summons the clergy of Wilsnack to answer for themselves at Calbe, shows how little this prohibition was observed in that place. Equally in vain, John Capistranus preached against the evil, and the Augustine, John Dorsten, wrote against it at Erfurt, his *Consultatio de Concursu ad Wilsnack* (1472-1475).

<sup>10</sup> Thus Eugene IV. granted the pilgrims to Wilsnack indulgences of several years,

and enjoyed accordingly, without intermission, a widely extended credit and considerable gains. But, above all, this period was most zealous in the glorification of the Virgin Mary as the actual dispenser of all things.<sup>11</sup> A shrine dedicated to her, at Recanati in Picenum, was pronounced in the second half of the fifteenth century to be her own house, brought thither by angels; this was the origin of Loretto as a famous resort for pilgrimages.<sup>12</sup> The

dd. VI. Non. Jan. 1446, in Raynald. ann. 1447, no. 9, and ordered for the preservation of the bleeding Hosts, that a consecrated Host should be placed between (ibid. no. 10): and Nicolas V., dd. IV. Id. September, 1447, repeated these decrees (Ludewig Reliquiae Manuscriptorum, viii. p. 366). Even in 1500, four Cardinals granted an indulgence to this pilgrimage.

<sup>11</sup> Compare especially the *Mariale* (Mediolani, 1494. 4. and at other times) of Bernardino de Bustis, an Italian Franciscan, † after 1500, a series of sermons in praise of Mary. This may serve as an example, Part. xii. sermo ii. P. I.: A tempore quo virgo Maria concepit in utero verbum Dei, quendam ut sic dicam jurisdictionem seu auctoritatem obtinuit in omni Spiritus Sancti processione temporali, ita ut nulla creatura aliquam a Deo obtineat gratiam vel virtutem, nisi secundum ipsius pie matris dispensationem.

<sup>12</sup> The first to mention this shrine is Flavius Blondus, secretary to Eugene IV. and the succeeding popes, till Pius II., † 1468, in his *Italia illustrata*, in Piceno, p. 339: Recanatum inter et Adriaticum mare, paululum a Musione recedit celeberrimum totius Italiae, ut in aperto immunitoque vico, sacellum gloriosae Virginis Mariae in Laureto appellatum. Quo loco preces supplicantium a Deo genitricis suae intercessione exaudiri, illud maximum certissimumque est argumentum, quod eorum, qui votis emissis exauditi fuerunt, ex auro, argento, cera, pannis, veste linea laneaque appensa donaria, magno luenda pretio, basilicamque omnem pene complementia, Episcopus in Dei Virginisque gloriam intacta conservat. It may be concluded from this notice, that the miraculous transportation at that time was either still entirely unknown, or else was only one of the legends of the common people, and disregarded by the educated. The first author who mentions it, and at the same time records the story of Teremantus Praepositus, which was fastened up in the shrine, is Baptista Mantuanus (see § 139, note 7), *Redemptoris mundi Matris Ecclesiae Lauretanae Historia* (in his *Opp. omn. Antwerp. 1576. 8. t. iv. p. 216 ss.*). According to this account, which still remains the most ancient document, this house was borne by the angels, in 1291, to Tersato in Dalmatia, thence it was carried in 1294 into the region of Recanati, but even there it was again twice removed. The provost Teremannus appeals to the evidence of two citizens of Recanati, one of whom asserted, quod avus avi ejus vidit, quando Angeli praedictam Ecclesiam per mare, etc. Undoubtedly the composition of this work belongs to the period between 1450 and 1480, and by it the story was first spread abroad. The fiction was first assailed by Petr. Paul. Vergerius, *De Idolo Lauretano*, ital. scripsit, Ludovicus ejus nepos vertit, ann. 1556, in the *Primus tomus operum Vergerii adv. Papatum*, Tubing. 1568. 4. p. 301. It was then defended by the Jesuits, Petr. Turrianus, Petr. Canisius, and Horat. Tursellinus, especially by the latter in the *Lauretana Historia*, Mogunt. 1599. 8. Baronius, also, ann. 9, no. 1, takes it under his protection, and is reprimanded for this by Is. Casaubonus *Exercit. vii.*, while the contemporary Matthias Berneggerus, Professor at Strasburg, *Hypobolimaea Divae Mariae Deiparae Camera, s. Idolum Lauretanum*, Argentor. 1619. 4. triumphantly refutes all the defenders of the fiction, but with too much of dogmatical polemics. [Cf. *Histoire critique et relig. de Notre Dame de Loretto*. A. B. Caillau. Paris, 12. 1843.—The Holy House of Loretto; Christ. Remembrancer, April, 1854. Archbishop Kenrick of St. Louis has also written a volume on this subject.]

Ave Maria was the prayer most favored.<sup>13</sup> The immaculate conception of Mary, of which the Franciscans continued to be the champions, was more and more triumphantly vindicated against the Dominicans;<sup>14</sup> the latter, on the other hand, sought to display their veneration for Mary by fraternities of the rosary.<sup>15</sup> True, the decree of Basle in favor of the immaculate conception could not afterward be regarded as obligatory upon the Church;<sup>16</sup> and

<sup>13</sup> The evening prayer, to which indulgences had been granted before this time (above, § 120, note 8), was now still more favored by Calixtus III. as a spiritual aid against the Turks, in the decree, A.D. 1456 (Antonini Summa Hist. P. iii. tit. 22, c. 14, init.): ubique terrarum fidelium singulis diebus inter Nonas et Vesperas pulsari in omnibus Ecclesiis ad Ave Maria ter, in qua pulsatione quicumque diceret genibus flexis ter Ave Maria et Pater noster, consequeretur indulgentiam trium annorum et trium quadragenarum. The Ave Maria was especially exalted by the labors of the Dominicans and their fraternities of the rosary (see above, § 141, note 10). Sixtus IV., in 1479, granted a new indulgence for the Psalterium b. M. V. (in Amort De Indulgentiis, i. p. 170): Nobis fuit propositum, quod in ducatu Britanniae et pluribus aliis locis ab aliquo tempore certus modus sive ritus orandi pius et devotus, qui etiam antiquis temporibus in diversis mundi partibus observabatur, videlicet quod quilibet dicit qualibet die ad honorem b. V. et contra imminetia mundi pericula toties angelicam salutationem, quot sunt Psalmi: et iste ritus Psalterium b. V. vulgariter nuncupatur. Nos hujusmodi modum orandi approbamus, et universis praefato modo orare volentibus pro qualibet vice, qua sicut praemittitur oraverint, pro qualibet quinquagena praefati Psalterii quinque annos et totidem quadragenas indulgentiae relaxamus. After the precedent of the famous Dominican, Vincentius Ferrerius († 1419, see above, § 123, note 14), the angelic salutation became the customary beginning of sermons; see Dom. Marci Hierolexicon (Romae, 1677 fol.), v. Salutatio angelica.

<sup>14</sup> See a sketch of the troubles caused by it, in Wadding, Legatio Philippi III. et IV. ad Paulum P. V. et Gregorium XV., de definienda Controversia Immaculatae Conceptionis b. V. M. Lovan., 1624, fol. p. 377 ss. Among the assailants of this doctrine the Dominican Vincentius Bandellus, Professor of Divinity at Bologna, † 1506, is distinguished for the works, Lib. de Veritate Conceptionis gloriosae Virginis Mariae, 1475, and Tract de singulari Puritate et Praerogativa Conceptionis Salvatoris nostri J. Chr. 1481; compare the extracts from them in Wadding, p. 138 ss. Among its chief defenders is the above-mentioned Bernardinus de Bustis (see note 10). The first part of his *Mariale* consists of eight Sermones de Conceptione Mariae; then follows the Officium Immaculatae Conceptionis gloriosae V. M., which was drawn up by him and confirmed by Sixtus IV.

<sup>15</sup> See above, § 141, note 10.

<sup>16</sup> Conc. Basil. Sess. XXXVI. d. xv. Kal. Oct. 1439, and hence during the struggle between the Council and the Pope (in Mansi xxix. p. 183): Hactenus difficilis quaestio in diversis partibus et coram hac sancta Synodo super conceptione ipsius gloriosae virginis Mariae matris Dei, et exordio sanctificationis ejus facta est: quibusdam dicentibus, ipsam virginem et ejus animam per aliquod tempus aut instans temporis subjacuisse actualiter originali culpa; aliis autem e converso dicentibus, a principio creationis suae Deum ipsam diligendo gratiam eidem contulisse, per quam a macula originali illam beatissimam personam liberans et praeservans, sublimiori sanctificationis genere redemit, cum fundaret eam altissimus ipse, et ipsam fabricaret Filius Dei Patris, ut esset mater ejus in terris. Nos vero, diligenter inspectis auctoritatibus et rationibus, quae jam a pluribus annis in publicis relationibus ex parte utriusque doctrinae coram hac sancta Synodo allegatae sunt, aliisque etiam plurimis super hac re visis, et matura consideratione pensatis, doctrinam illam disserentem, gloriosam virginem Dei genetricem Mariam

even the Franciscan Pope Sixtus IV. did not venture to take a decided part against the powerful Dominicans.<sup>17</sup> But the Universities pronounced themselves all the more emphatically in favor of the doctrine,<sup>18</sup> and after the precedent of Paris, in 1497, even

praeveniente et operante divini numinis gratia singulari numquam actualiter subjacuisse originali peccato, sed immunem semper fuisse ab omni originali et actuali culpa, sanctamque et immaculatam, tanquam piam et consonam cultui ecclesiastico, fidei catholicae, rectae rationi, et sacrae Scripturae, ab omnibus catholicis approbandam fore, tenendam et amplectendam diffinimus et declaramus, nullique de cetero licitum esse in contrarium praedicare seu docere. Renovantes praeterea institutionem de celebranda sancta ejus Conceptione, quae tam per Romanam, quam per alias Ecclesias sexto Idus Decembris antiqua et laudabili consuetudine celebratur, statuimus et ordinamus eandem celebritatem praefata die in omnibus Ecclesiis, Monasteriis, et conventibus Christianae religionis, sub nomine Conceptionis festivis laudibus colendam esse, cunctisque fidelibus vere poenitentibus et confessis, ea die Missarum solemnibus centum, primis autem vel secundis vespers totidem, sermoni vero verbi divini de ea festivitate interessentibus centum quinquaginta dies, concessione perpetuis temporibus duratura, de injunctis sibi poenitentibus haec sancta Synodus elargitur.

<sup>17</sup> In a bull, A.D. 1474 (Extravag. Comm. lib. iii. tit. xii. c. 1), he recommends the celebration of the *Conceptio Immaculatae Virginis* (which he does not venture to call the *Conceptio Immaculatae Virginis*), by conceding to all who take part in it the indulgence granted to the feast of Corpus Christi. The second bull, A.D. 1488 (l. c. c. 2), is first directed against—*diversorum ordinum praedicatorum* (a saving expression instead of “against the Dominicans”), who, in suis sermonibus ad populum publice per diversas civitates et terras adfirmare hactenus non erubuerunt, et quotidie praedicare non cessant, omnes illos, qui tenent aut adserunt, eandem gloriosam et immaculatam Dei genetricem absque originalis peccati macula fuisse conceptam, mortaliter peccare, vel esse haereticos; ejusdem immaculatae conceptionis officium celebrantes, audientesque sermones illorum, qui eam sine hujusmodi macula conceptam esse adfirmant, peccare graviter. Sed et praefatis praedicationibus non contenti, confectos super his suis adsertionibus libros in publicum ediderunt (the works of Vincentius Bandellus are meant; see above, note 13), ex quorum adsertionibus et praedicationibus non levia scandala in mentibus fidelium exorta sunt, et majora merito exoriri formidantur in dies. All these sayings and writings were condemned and forbidden under pain of excommunication. But next, the same punishment is threatened against those—qui ausi fuerint adserere, contrarium opinionem tenentes, videlicet gloriosam virginem Mariam cum originali peccato fuisse conceptam, haeresis crimen vel peccatum incurere mortale, cum nondum sit a Rom. Ecclesia et Apostolica sede decisum. Valerius Anshelm's *Berner Chronik*, Bd. 3, s. 370: *Wiewohl ehgenannter Babst (Sixtus IV.) hat die Empfängniß Maria fryglaubig gebullet, so hat er dennoch sines subtilen Schottens (Duns Scotus, D. subtilis) Opinion mit grossem Ablass und Fyrtag begabt: daher die Barfüßser einen starken Vortanz den Prediern, so doch des Rosenkranzes obriste und grösste Brüderschaft inhielten, hattent angewunnen, und den mit allerhand Künsten und Wundern—gestarkt und bestät.*

<sup>18</sup> How even the more calm minds decided in favor of the doctrine, may be seen in *Gabr. Biel* (§ 144, note 3) *Collectorium*, lib. iii. Dist. iii. Qu. 1, Art. 2: *Auctoritas Ecclesiae major est auctoritate cujuscunque Sancti, saltim post canonicos scriptores: nam Ecclesia statuit festum Conceptionis generaliter per universum celebrandum: ergo ejus conceptio fuit sancta, et per consequens peccato immaculata, ergo sine originali.*—*Nec propter hoc culpandus est divus Bernhardus, sed nec S. Thomas, S. Bonaventura, caeterique Doctores cum magno moderamine oppositum opinantes, quoniam eorum tempore hoc licuit, quoniam nulla determinatio vel Concilii vel Apostolicae sedis facta fuit. Nec festivitas illa generaliter tunc fuit per orbem celebrata. Quae si praecessissent, haud dubium, quin promptissime suae opinioni cessissent.*

bound their members to it by an oath.<sup>19</sup> The burning of four

<sup>19</sup> The occasion of the Paris decree is told by Trithemius, Chron. Hirsaug. ad ann. 1497, t. ii. p. 568: Eodem anno in festo purissimae Conceptionis beatissimae Mariae semper Virginis (rather, as it appears from the Acts in d'Argentré I., ii. p. 336 ss. on this festival, 8th December, 1496)—quidam Frater Ordinis S. Dominici, theologus Parisiensis, verbum salutis dicturus ad populum in Dieppe oppido Rothomagensis Dioecesis, amplo inter alia boatu clamabat, eandem castissimam Dei genitricem non fuisse praeservatam ab originali peccato, sed post contractum mox purgatam et mundatam a Deo. Erat ei nomen, qui hoc dixit, Frater Johannis Veri (le Ver). Ex hac temeraria positione magnum in populo Dei scandalum fuit secutum, propterea quod. s. Romana Ecclesia, Cardinales quoque, Archiepiscopi et Episcopi, pene omnes Doctores Parisienses, Colonienses, Lovanienses cum aliis multis, simul et Claustralium regularium Professores cuncti cum toto populo Christiano praeter paucos Fratres Ordinis memorati, sentiunt, credunt, docent et praedicant, beatissimam Dei genitricem peccato nunquam subjacuisse originali, sed praeservatam et immunem semper ab omni macula delicti tam originalis quam actualis in aeternum. Trithemius next records how John Verus was compelled by the Sorbonne to recant, 16th September, 1497, and (p. 570) how the University was thus induced to decree the oath, 17th September. According to the minutes in d'Argentré I., ii. p. 333 ss., this is not quite correct. Jo. Verus (see p. 337) would not at first submit to the sentence of the Sorbonne, and appealed to the Pope: for this he was condemned by the secular authorities to imprisonment: he appealed to the Parliament, and only recovered his freedom at length by recanting, 18th September, 1497. On the other hand, the theological faculty, in an assembly on the 3d March, 1496 (that is, more Gall. 1497), had already determined upon the oath (l. c. p. 333): Cum proximo saeculo quaestio de puritate conceptionis felicissimae Dei et Domini nostri Jesu Christi genitricis Mariae solito frequentius agitari coepisset, Spiritu Sancto scilicet ejus rei veritatem aliquando propalari volente, diligentius utriusque partis libratissimis rationibus primum (Majores nostri) pro tempore suum prudentissime suspenderunt judicium. Demum in eam partem inclinatiores, quae Virginis gloriae et puritati astipulari videbatur, ita—vanissimam temeritatem—confutaverunt,—ut contrariam quaestionis partem, quae Virginem, dum conciperetur, speciali Dei munere ab originali macula fuisse immunem affirmat, dum conciperetur, speciali Dei munere ab originali macula fuisse immunem affirmat, et pietati, fidei et rectae rationi et scripturis divinis valde quadrantem decernerent. Quae sententia paucos post annos ita sacro Basileensi plenario Concilio—Spiritu Sancto inspirante placuit, ut eam tandem doctrinam—tenendam diffinierit.—Quod sanctum Synodi decretum cum omnium Ecclesiarum, tum etiam totius populi Christiani judicio, consensu ac religione comprobatum confirmatumque videamus, non possumus quorundam vanam, superbam, temerariam insanamque obstinationem non admirari,—qui hoc nostrum adhuc tempore ejusmodi piam et religiosam doctrinam, universalis Synodi et Ecclesiae, quae juxta Christi promissionem errare non potest, judicio auctoritateque probatam aut oppugnare, aut in dubitationem revocare non verentur, implacabile impiissimumque bellum adversus piissimae Dei genitricis eximiam dignitatem gerentes. Quorum furori ut alacrius fortiusque occurramus atque resistamus pro nostra professione, ordine et gradu, Majorum nostrorum vestigia sequentes, universi tertio congregati post multam, gravem et maturam deliberationem in ejus piissimae doctrinae, quae benedictissimam Dei Matrem ab originali peccato Dei singulari dono fuisse praeservatam affirmat, quamquam pridem veram credidimus et credimus, defensionem ac propugnationem speciali sacramento conjuravimus nosque devovimus. Statuentes, ut nemo deinceps sacro huiusmodi Collegio adscribatur, nisi se hujus religiosae doctrinae assertorem strenuumque propugnatorem semper pro viribus futurum simili juramento profiteatur. Quod si quis ex nostris, quod absit, ad hostes Virginis transfuga, contrariae assertionis—patrocinium quacumque ratione suscipere ausus fuerit, hunc honoribus nostris omnibus privatam atque exactoratum a nobis et consortio nostro, velut Ethnicum et Publicanum, procul abjiciendum decernimus. Then follows a requisition to bishops and parish priests likewise to adopt this doctrine. In this and some succeeding congregations the oath was taken by one hundred and twelve doctors of divinity (p. 334). In 1499 the theological

Dominicans at Berne, in 1509, on account of certain fraudulent apparitions of saints, which they had got up to impugn this doctrine, contributed to give it a more decisive preponderance.<sup>20</sup>

### § 146.

#### HISTORY OF THE RELIGIOUS EDUCATION OF THE PEOPLE.

The religious duties of the people were restricted solely to obedience to the Church: even the moral law derived its binding power from the command of the Church. Readiness to conform to the known and unknown faith and will of the Church passed current for piety. Accordingly, all independent religious culture could only appear to the hierarchy as fraught with danger, and thus very little was done to promote religious zeal and instruction. The greater number of the parochial clergy could not even preach at all:<sup>1</sup> the preaching clergy, chiefly mendicants, usually enter-

faculty of Cologne followed the example of the Sorbonne (Chron. Hirsang. ii. p. 574), and that of Mayence in 1501 (l. c. p. 583).

<sup>20</sup> Narratives of contemporaries are the following: *De quatuor Haeresiarchis Ord. Praedicatorum de Observantia nuncupatorum apud Switenses in civitate Bernensi combustis anno Christi 1509.* 4. (reprinted in Hottinger, *Hist. Eccl. N. T. Saec. xvi. seu Pars v. p. 334 ss.*), and Valerius Anshelm's *Berner Chronik*, Bd. 3, s. 371 ff., Bd. 4, s. 1 ff. Compare the *Berner Gespenstergeschichte* in Rauschnick's *Denkwürdigkeiten aus der Geschichte der Vorzeit*, Bd. 1, Marburg, 1822. The manœuvres of the Dominican, Wigand Wirth, at Frankfort, gave the first occasion for the fraud. As early as 1494 he had assailed John of Trittenheim, under a feigned name, for maintaining the immaculate conception of Mary in his work *De Laudibus S. Annae*, c. 7; but by so doing he only drew forth several works in defense of the doctrine, and at length was obliged to recant. The efforts of the Dominicans against Trithemius at Rome also continued without effect (see Trithemii Chron. Spanheimense in his *Opp. Hist.*, ed. Marqu. Freherus, P. ii. p. 406 s.). Afterward Wigand was involved in controversy with a parish priest at Frankfort on the same subject; a papal commissioner, appointed at the request of the Dominicans, decided against him; and a violent lampoon, composed by Wigand, drew down upon him a fresh accusation at Rome. The Dominicans held a chapter at Wimpfen, in 1506, to deliberate upon these matters; and here some of their leading men privately concerted the introduction of miracles in support of their doctrine, which were at that time greatly facilitated by the reception of John Jetzer, a narrow-minded and bigoted tailor, into the monastery at Berne in 1507. The prior, sub-prior, lector, and procurator contrived apparitions to him of St. Barbara, the blessed Virgin Mary, St. Cecilia, St. Catherine of Siena; they imprinted upon him the five holy wounds, painted hosts the color of blood, made a statue of the Virgin shed tears, etc., all in order that by means of him they might spread abroad revelations against the immaculate conception; and at last proceeded, when he had discovered the imposture, to poison him, when he escaped from the monastery, and divulged the matter.

<sup>1</sup> In the *Necrologium* of St. Gall it was remarked of a certain monk, Bernhard, in 1499: *Nota, quod Bernardus iste fuit tam magnae scientiae, ut per aliquos annos praedicatorum habuerit; see Arx Gesch. v. St. Gallen, Th. 2, s. 478. Compare Trithem. Institutio Vitae Sacerdot. c. 1 and 4; above, § 139, note 1.*

tained their hearers with pitiful fables for the glorifying of their sacred relics and places,<sup>2</sup> or they made a show of useless scholastic learning,<sup>3</sup> as may be seen in the still extant sermons of Meff-

<sup>2</sup> Jacobus Carthusianus, *De Arte curandi Vitia* (see § 141, note 8). Trithemius, l. c. c. 4. Henr. Bebelius (see § 139, note 7), *De falsa Etymologia propriorum Nominum conficta per auctorem Legendae Aureae* (see vol. ii. § 78, note 5), in the collection *Commentaria epistolarum conficiendarum Henrici Bebelii*, etc. Phorceae, 1510. 4. fol. cxxviii. verso: quas aniles fabulas adeo magis detestor, quo plures inveniuntur, qui has referendo et populis praedicando non solum inducunt homines ad earum fidem, verum etiam in iis demorantes ea, quae vera sunt et in salutem animarum dici possunt, omittunt. Sunt enim plures et praesertim aliqui monachi, qui dum concionantur ad imperitam plebem, ut phaleratis et ampullosis verbis populum demulceant, ut famam eruditionis et disertitudinis consequantur, et ut culinam suam vel Fratrum lautius instruant, vel potissimum dum Evangeliiis tanquam consuetis atque rebus quotidianis pudet esse contentos, non verentur excogitare nunc somnia, nunc revelationes (ut ipsi ajunt) sanctorum Patrum, quibus in Christum, nedum sanctos, falsa et mendacia aliquando comminiscuntur, dum non credunt satis placere se, nisi exotica aliqua atque peregrina in medium afferant, ut plebs postmodo gloriabunda jactet, se audisse a Domino Sixto vel Fratre Johannatio quod antea numquam audiverit a quoquam. Et, ut paulum digrediar, ego omnem ferme haeresim quam dicunt existimo inde maxime exortam, ut homines superbi et magnae opinionis freti eruditione et fama anhelaverint aliquid dicere, et persuadere novum et inauditum, quo cunctis seculis et nationibus suam famam insinuent. Sed ut redeam, cum Dominus Sixtulus vel Frater Lolhardus in nigra barba sic famam suam illustravit, ac existimationem suam in posterum extenuet, aut plebem in laudem suam tepidiorum reddat, non dubitat dies atque noctes somnare et figmenta componere, quo semper clarior se reddat et magis admirandum: tandem eo usque progreditur, ut fabulis, quae ipsi exempla vocant, totos dies consumat, quas ipse pro sua existimatione magnificanda satis admirabiles jam primum excogitavit: et dum totus in eloquentia volubilitateque linguae, et rerum nullibi gestarum diurnall recitatione haeret, fit, ut nihil vel parum de sacris literis proferat, parum dicat, quod sit animae salutiferum.—Illud mihi ridendum videtur, quod concionatores isti, cujuscunque sancti festum celebrant, concionando clamant, fulsisse illum super omnes alios sanctos virtutibus et vitae sanctimonia, vel singulari sanctitatis privilegio dotatum persuadent; postquam ad alium venerint sanctum, itidem faciunt, semper praesentem super omnes alios extollendo. Taceo de laudibus, quas aliquando praeter fidem tutelaribus sanctis, quos Patronos vocant, sacerdotes in dedicationibus adscribunt, ubi omnis modus laudationis exceditur, omnisque ingenii vis quasi quidam torrens effunditur, adeo, ut ea quae incerta sunt et vix vera, et ubi fides desideratur, impediunt etiam quae vere de illis dici possunt. Aut quis risum continebit, dum quidam Fratres sui Ordinis auctores et primates postergatis virginibus, confessoribus, martyribus, Apostolis et Evangelistis, Patriarchis atque Prophetis, adeo alte conantur locare, ut adhuc solium quaerant, ubi eos reponent in coelestibus: alii suum dictum a Christo magnum patrem persuadere volunt, alii suo doctori Paulum apparuisse Apostolum atque dixisse, suas illum epistolas melius omnibus aliis doctoribus esse interpretatum. Quae nisi cogar, nunquam credam, etc.

<sup>3</sup> Jo. Trithemius, *Epist. Famill.* lib. i. ep. 26, ad Jac. Kymolanum, dd. Coloniae, 22. Jul. 1505 (in his *Opp. Hist.* ed. Freheri, ii. p. 461): Nostri concionatores majore in numero purissimos Dei sermones Aristotelicis Julianisque intermiscunt opinionibus, crebrius philosophos gentilium, quam Christi Apostolos allegantes. Proh pudor tam celebris facta est verbi Dei praeconibus Peripateticorum auctoritas, ut in cathedra Christi crebrius Aristoteles citetur in medium, quam Paulus aut Petrus sacratissimi principes Apostolorum. Quid talium sermones simplici et indocto Dei populo proficiant, in quibus ad ostentationem totum, ad compunctionem vero nihil inducitur? Ad scholas Gymnosopistarum istae meretriculas gentiliumque traditiones remittendae sunt, ut in echo-la Christi nihil aliud quam doctrina Christi pura et immaculata praedicetur. Futures

reth, a priest at Meissen from 1443 to 1476;<sup>4</sup> of Leonard de Utino, a Dominican, at Bologna, † 1470;<sup>5</sup> and even in the sermons of Gabriel Biel,<sup>6</sup> which are otherwise distinguished for their practical turn. The sense of the unprofitableness of this style of preaching induced certain talented preachers, toward the end of this period, to keep directly in view the facts of real life, in order to rouse the moral energies of their hearers, by descriptions and warnings, which, being taken from experience, were calculated not only to awaken a horror of vice, but also to make it ridiculous. In this, frequently comic, style preached the Dominican, Gabriel Barletta, in Italy, about 1470,<sup>7</sup> John Geiler of Kaisersberg, preacher at Strasburg, † 1510,<sup>8</sup> and the two Franciscans, Olivier Maillard, † 1502,<sup>9</sup> and Michael Menot († before 1519),<sup>10</sup> in Paris. Among the small and peaceful circle of the religious mystics, no man exercised so important an influence as Thomas Hemerken of Kem-

enim purissimae farinae commiscuit, quisquis hunc praedicandi modum primus adinvent. Melanchthon in *Apologia Augustanae Confessionis*. Art. ii., *De Justificatione* (ed. Rechenberg, p. 62): *Audivimus quosdam pro concione, ablegato Evangelio, Aristotelis Ethica enarrare.*

<sup>4</sup> The *Hortulus Reginae* is by him, a collection of sermons for the whole Christian year, divided into the *Pars hiemalis*, *Pars aestivalis*, and *Sermones de Sanctis*, ed. Norimb. 1487, Basil. 1488, Monachii, 1616, fol.

<sup>5</sup> By him are *Sermones de Sanctis*, ed. Utinae, 1466, and often. *Quadragesimale de Legibus*. Lugd. 1494. 4. and often.

<sup>6</sup> See § 144, note 3. By him are *Sermones de Tempore* (i. e. on the Gospels for the days), ed. Wendelinus Steinbach, Tubing. 1500. 4. (remarkable among these are the three *Sermones medicinales contra Pestilentiam*, *Domin. 22–24*, post fest. *Trinit.*) *Sermones de Festivitatibus glor. Virg. Mariae*, 1499.

<sup>7</sup> *Sermones Quadragesimales*. Bressiae, 1497. 8. *Sermones de Sanctis*, *ibid.* 1498. 4. There is a proverb: *qui nescit barlettare, nescit praedicare*. Compare Niceron's *Nachrichten von den Begebenheiten u. Schriften berühmter Gelehrten*, Th. 8, s. 88 ff. *Baumgarten's Nachrichten von merkw. Büchern*, Bd. 7, s. 124 ff.

<sup>8</sup> There are several collections of sermons by him, under the names: *Seelenparadies*. Strasb. 1510, *Usslegung über das gebette des Herren*, 1515, *Predigen Teutsch*. Augsb. 1510, *Navicula s. speculum fatuorum* (*Predigten über Seb. Brants Das nûw Schiff von Narragonia*), 1511. *Predig d. himelfart Ma.* 1512. *Navicula poenitentiae*, 1512. *Christenlich bilgerschaft zum ewigen vatterland*, 1512. *Das Evangelibuch*, 1518. *Postill*, 1522. *Die Ameis (Ameise)*, 1517, etc. Compare Vierling de Jo. Geileri *Caesaremontani scriptis Germanicis disp. Praes. J. J. Oberlino*. Argent. 1786. 4. F. W. Ph. v. Ammon *Geiler v. Kaisersbergs Leben, Lehren und Predigten*. Erlangen, 1826. 8.

<sup>9</sup> *Sermones de Adventu, quadragesimales, dominicales, et de peccati stipendio et gratiae premio*. Argent. 1506. 4. Niceron, *Mémoires pour servir à l'Hist. des Hommes illustres*, t. 23, p. 47 ss. *Baumgarten's Nachr. von einer hallischen Bibliothek*, Bd. 4, s. 51 ff. [Cf. Olivier Maillard, *the Preacher*, by Chs. Schmidt, in *Zeitschrift f. d. Hist. Theologie*, 1856, s. 489–512.]

<sup>10</sup> *Sermones quadragesimales*. Paris, 1519, and at other times. Niceron, t. 24, p. 886 s. *Baumgarten*, Bd. 4, s. 59 ff. J. C. Schelhorn, *Amoenitates Hist. Eccl. et Liter.* t. i. p. 778 ss. Michel Menot, *ein Beitrag zur Gesch. der. Homiletik von J. G. V. Engelhardt*. Erlangen, 1828. 8.



pen (Thomas à Kempis), a pupil of the Brethren of Common Life, and a canon in the monastery on the Mount of St. Agnes in Zwoll, † 1471, by his devotional works,<sup>11</sup> especially by the book *De Imitatione Christi*.<sup>12</sup> In these circles the translations of the Bible,

<sup>11</sup> There is some notice of his life in a book composed by himself, the *Chronicon Canonicorum Regularium montis S. Agnetis* (ed. Herib. Rosweydyus at the end of Jo. Buschii *Chron. Canon. Regularium Ord. S. August.*). Antwerp. 1621. 8. p. 29, 51, 104, 137. Besides, his life is written by Jodocus Badius Ascensius († 1535), in his *Opp. ed. Sommalii*, p. 11 ss. To his devotional works belong: *Soliloquium animae*, *Hortulus rosarum*, *Vallis liliorum*, *De tribus tabernaculis*, *Doctrina juvenum*, *De vera cordis compunctione*, *De solitudine et silentio*, etc. *Opp. ed. Norimb.* 1494. Paris, 1520, fol. ab Henr. Sommalio e Soc. Jesu. Antwerp. 1607. 4. and at other times.

<sup>12</sup> The author of the work was at first doubtful, on account of a mistake: but afterward, when the book increased in fame (it is translated into almost all known languages; it is calculated that there have been 2000 editions of the original, and 1000 of the French translation alone), its authorship became so much the subject of rivalry, through the intervention of the interests of orders and nations, that the controversial works form a library. After the year 1415 the book was published without the author being accurately known: however, several old manuscripts and the earliest editions give this Thomas as the author: two manuscripts, that of Louvain and that of Antwerp, are written with his own hand. Moreover, an uncontrovertible witness speaks in his favor, his contemporary and a member of the same order, who certainly was personally acquainted with him, John Busch (see § 140, note 4); he expressly names him as the author in his *Chron. Windesemense* (see § 142, note 1), lib. ii. c. 21, written in 1464, and accordingly in Thomas's lifetime. To this also may be added the testimonies of Petrus Schottus at the beginning of an edition in 1488, and of Jo. Tritenheim, *De Scriptoribus Ecclesiasticis* (written in 1494), c. 707. Lastly, the whole style of the book and its numerous Germanisms declare in favor of Thomas. But in proportion as John Gerson was famous as a mystic author at that time (above, § 117, note 6), it was so much the easier to suppose him to be the author instead of the more unknown Thomas. The earliest manuscript which declares him as the author is that of Salzburg in 1463: the edition of the French translation in 1488 wavers between St. Bernard and Gerson, but that of 1498 distinctly announces Thomas to be the author. A French translation of 1573 is the first to bear the name of John Gerson as the author, in the title. However, Gerson's brother, John, prior of the Celestines, who collected his works, has not reckoned the book in question as one of them. Besides, its contents prove that the author was a monk. In several manuscripts the name Jo. Gersen, Gessen, Gesen is written, evidently a mutilation of Gerson. But after Peter Manriquez, in 1604, considered that it must be assumed that the book is earlier than Bonaventura, in whose (pretended) *Collationes* it is quoted; the Italian Benedictine Cajetani, in 1615, supported by the manuscript of Arona, which claims to belong to the thirteenth century, was the first to maintain that the real author is Jo. Gersen of Cabaliaca, Benedictine Abbot of St. Stephen of the citadel at Vercelli, between 1220 and 1240. The regular canons now took the side of Thomas, the Benedictines upheld their newly-discovered abbot; and thus arose a most vehement strife between the orders, upon which even the Parliament of Paris, on the petition of the Kempists, decided in 1652, that the book should be printed with the name of Thomas only. Among the champions of Thomas, Eusebius Amort, canon at Polling, in Bavaria († 1775), is especially distinguished for several thorough controversial works. The dispute is not yet ended: in favor of Gerson came forward Ant. Alex. Barbier: *Dissertation sur 60 Traductions françaises de l'Imitation de J. Ch.* Paris, 1812, and J. B. M. Gence, in a handsome edition of the disputed work. Paris, 1826. 8. In favor of the Abbot Gersen: *Mémoire sur le véritable Auteur de l'Imitation de J. C. par G. de Gregory.* Revu et publié par les soins de M. le Comte Lanjuinais, Pair de France. Paris, 1827. 12. (translated into German by J. B. Weigl. Sulzbach, 1832. 8.) Also another work en-

also, which now frequently appear in print,<sup>13</sup> may have been in use. Among the great mass of the people they would find less circulation, as the hierarchy constantly opposed all translations of the Holy Scripture into the vulgar tongue.<sup>14</sup>

## § 147.

## ECCLESIASTICAL INDULGENCES AND PENALTIES.

The Council of Constance recognized, indeed, the abuse of indulgences, and sought to keep it within bounds.<sup>1</sup> However, it

titled *In Favor of Thomas à Kempis; Gersen, Gerson and Kempis; or, Is One of these Three and Which of Them the Author of the Four Books of the Imitation of Christ*, by J. P. Gilbert. Wien, 1828. 8. [Cf. Mooren, *Leben Thos. à Kemp.* Crefeld, 1864; *Nachrichten mit Urkunden*, 1855. Vert, *Etudes sur l'Imit.*, etc. Paris, 1856.]

<sup>13</sup> The French translation of the Bible, by Gujars des Moulins, canon at Aire, in the Diocese of Terouane, prepared from 1291-1294, was printed by order of Charles VIII., and hence before 1498 (*du Pin Prolegomènes sur la Bible*, p. 219 ss.). The Italian translation of the Venetian Benedictine, Nicolaus Malermi, was printed in 1471 and 1477. The editions of the Bible in German are more numerous. A High-German translation was printed first at Mayence in 1462, and in all fourteen times before the Reformation, at Strasburg, Augsburg, and Nuremberg; see G. W. Panzer's *literar. Nachricht von den allerältesten gedruckten Deutschen Bibeln*. Nürnberg, 1777. 4. *His Gesch. der Nürnbergischen Ausgaben der Bibel*, 1778; *Beschreibung der ältesten Augspurgischen Ausgaben der Bibel*, 1780. 4. A Low-Saxon translation was printed three times, at Cologne in 1470, Lubeck 1494, and Halberstadt; see J. M. Gotze's *Versuch der gedruckten Niedersächsischen Bibeln*, v. J. 1470 bis 1621. Halle, 1775. 4.

<sup>14</sup> Compare above, § 87, note 41-42. But even a Jo. Gerson thought, see his *Lectio Altera contra Vanam Curiositatem*, *Consid.* ix. (Opp. i. p. 105), *prohibendam esse vulgarem translationem librorum sacrorum nostrae Bibliae, praesertim extra moralitates et historias. Claras rationes ad hoc plurimas invenire facile est. Consistent zealots declared themselves against all religious works written in the language of the country*, see § 142, note 8. Similar is the prohibition which Berthold, archbishop of Mayence, issued in 1486 against printing German translations, in *Gudeni Codex Diplom. Anecdotorum Rea Moguntinas illustrantium*, iv. p. 469: *Vidimus ipsi libros de divinis officiis et apicibus religionis nostrae, e latina in Germanicam linguam traductos, non sine religionis dedecore versari per manus vulgi.—Dicant translatore tales, si verum colunt,—anne lingua Germanica capax sit eorum, quae tum graeci, tum et latini egregii scriptores de summis speculationibus religionis Christianae et rerum scientia accuratissime argutissimeque scripserunt? Fateri oportet, idiomatis nostri inopiam minime sufficere, necesseque fore, eos ex suis cervicibus nomina rebus fingere incognita; aut, si veteribus quibusdam utantur, veritatis sensum corrumpere, quod propter magnitudinem periculi in litteris sacris magis veremur. Quis enim dabit rudibus atque indoctis hominibus et femineo sexui, in quorum manibus codices sacrarum litterarum inciderint, veros excerpere intellectus? Videatur sacri Evangelii, aut epistolarum Pauli textus: nemo sane prudens negabit, multa suppletione et subauditione aliarum scripturarum opus esse. The Archbishop accordingly forbade the printing and the sale of any German translation, without the consent of certain commissioners, on pain of excommunication.*

<sup>1</sup> See the decree projected by the reformation committee of the council (§ 181, note 13), in v. d. Hardt, I. xii. p. 751: *Quia tempore hujus nefandi schismatis, quo singula quasi spiritualia publicae exponebantur venditioni, multae quaestiones ac petitiones cum quamplurium indulgentiarum et concessionum privilegio, ut verosimiliter praesu-*

could only effect a short respite, and afterward indulgences, and the abuses consequent thereupon multiplied so greatly<sup>2</sup> that no century surpasses the fifteenth in this respect. The jubilee and post-jubilee years<sup>3</sup> were multiplied still more; at length, in 1470, a standing ordinance was decreed by Paul II., according to which every five-and-twentieth year was to be a year of jubilee.<sup>4</sup> Besides, general indulgences were frequently granted for taking part

mitur, pro pecunia plus quam animarum salute sunt concessae, in gravamen pauperum et ecclesiastici status ridiculum, et quibus ex facilitate (thus Amort, ii. p. 35, for *qualitate*) veniae incentivum praebetur delinquendi: idcirco haec s. Synodus omnes hujusmodi novas quaestiones, sub cujuscunque facti aut factae nomine ab Apostolica sede concessas, necnon omnia et singula privilegia indulgentiarum, concessionum aut gratiarum, cujuscunque etiam sint tenoris et continentiae, dictis novis et etiam antiquis quaestuationibus et petitionibus, tempore jam lapsi schismatis, imo et tempore unionis, post constitutionem felicitis recordationis quondam Domini Clementis V., quae incipit *Abusio-nibus* (Clementinar. lib. v. t. 9, c. 2), qualitercunque concessa, revocat, irritat, cassat, et annihilat, eaque ut antea nullius vult esse roboris vel momenti. Per hanc revocationem haec Synodus antiquis quaestuationibus et petitionibus, dummodo per Presbyteros bonae famae, habiles et idoneos, sine sermone publico, sed cum literarum, petitionum suarum et indulgentiarum antiquarum vera expositione, sine commixtione falsitatis, et secundum formam dictae Clementinae fiant, aliquatenus derogare non intendit. The German nation wished that this decree should be adopted by Martin V.; see *Avisamenta Nat. Germ. Art. 17*, in v. d. Hardt I., xxii. p. 1011 (compare above, § 131, note 18). But Martin V. modified it as follows; see *Responsio Martini, Art. 17*, l. c. p. 1038 (compare § 131, note 18): *Cavebit Dominus noster Papa in futurum nimiam indulgentiarum effusionem, ne vilescant; et in praeteritum concessas ab obitu Gregorii XI. citra perpetuas, item quae dicuntur de poena et culpa, sive de plena remissione, concessas locis, item omnes concessas ad instar alterius indulgentiae, revocat et annullat.*

<sup>2</sup> The Council of Basle even granted several indulgences; compare the papal instruction in Raynald. 1436, no. 6; see above, § 132, note 30, and Jo. Polemar, § 132, note 45. The schoolmen managed to justify this increase of indulgences; see Gabriel Biel, *Expos. Missae Lect. 57*: ante tempora b. Gregorii modicus vel nullus fuit usus indulgentiarum: nunc autem crebrescit earum usus. Quod sine dubio Ecclesia habens Spiritum Christi, et ideo non errans, singula, prout expedit, temporibus suis distribuit, mota et illuminata a Spiritu Dei, qui novit tempora, quae Pater in sua posuit potestate, quorum mysteria indagare non sufficimus. Possumus tamen conjicere aliquas causas, cur magis modo, quam olim usus indulgentiarum crebrescit. Quoniam, ut timor transgressionis mandatorum Dei induceretur in conversos fideles, graves poenitentiae injungebantur et poenae. Item, nunc tepescente charitate, nec satisfactiones condignae junguntur, nec modice injunctae perficiuntur; ideo valde necessarius est copiosus indulgentiarum usus.

<sup>3</sup> The years 1425 and 1450 had been already kept as jubilee-years: the jubilee-indulgences of the diocese of Augsburg in 1451 were obtained in Poland, Spain, Hungary, and several places in Germany; see Eus. Amort de Origine, Progressu, Valore ac Fructu Indulgentiarum. Aug. Vind. 1735, fol. P. i. p. 87 ss.

<sup>4</sup> The bull, dd. 13. Kal. Maji, 1470 (see in Raynald, 1470, no. 55; in Amort, l. p. 91) gives as the reason: Nos—attendentes humanae conditionis statum fragilem, ad peccandum proclivem, et ad declinationem usque adeo celeri cursu—properare, brevissimum quoque vitae spatium, et peccatis nostris exigentibus crebras pestilentias, varios morbos letiferos, gravissimas quoque Turcarum et infidelium adversus fideles persecutiones assiduas, atque universam Christianitatem retroactis temporibus quassatam adhuc variis non quidem minoribus injuriis lacerari, et calamitosis casibus et dispendiis subjacere, aliasque plurimas aerumnas in Christi populo adeo invalescere, ut eis atque aliis sinistris ca-

in warlike expeditions against unbelievers, and enemies of the Papal See, or put up to sale for the maintenance of such wars.<sup>5</sup> Other indulgences were conceded for other services rendered to the Church.<sup>6</sup> Then, too, various ecclesiastical associations,<sup>7</sup> especially the monastic Orders,<sup>8</sup> were provided with rich indulgences, and not for their own members alone; for these orders, particularly the mendicants, were supplied with other indulgences for a lucrative trade with the laity.<sup>9</sup> Moreover, the numerous resorts of pilgrimages were endowed with large indulgences;<sup>10</sup> and at length indulgences were granted for certain festivals,<sup>11</sup> for certain prayers,<sup>12</sup> even in honor of crowned heads.<sup>13</sup> That the Papal indulgence extended over purgatory also, had been long ago main-

sibus plerumque causantibus admodum pauci remissionum et indulgentiarum hujusmodi participes fieri mereantur, etc.

<sup>5</sup> In 1411 against Ladislaus, king of Naples; in 1420 and 1421 against the Hussites; 1453 (see § 133, note 10), 1455 (see § 133, note 12), and in 1463 against the Turks; in 1457 against the Moors. See Amort, i. p. 74. Besides, in 1502, a jubilee-indulgence in support of the Turkish war, Amort, i. p. 101; *Cruciata* for Emmanuel, king of Portugal, against the Moors, 1505; see Raynald. ad h. a. no. 5, etc. The *Bulla Cruciata*, which is sold in Spain down to this time, was first issued by Julius II. in 1509, in order to gather money for a Turkish war: in 1519, Leo X. granted the proceeds to the King of Spain, who keeps them to this day; see Amort, i. p. 79.

<sup>6</sup> Especially for subscriptions toward church-building. The best known among these indulgences is that of Julius II. in furtherance of the building of St. Peter's, first issued in 1506, and often afterward renewed (e. g. 1510; see the bull in Amort, i. p. 205), from the fact that it afterward became the occasion of the Reformation.

<sup>7</sup> E. g. the *Confraternitas Praeputii Dominici* at Antwerp, by Eugene IV. in 1446 (Amort i. p. 201); the *Confraternitas S. Rosarii* by Sixtus IV. in 1478 (see § 141, note 10). There are more examples in Amort, i. p. 169 ss.

<sup>8</sup> In Amort, i. p. 132 ss. Sixtus IV. decreed in 1480 that the *Portiuncula* indulgence (see vol. ii. § 69, note 9; and above, § 112, note 7) might be obtained by all members of the Franciscan Order in all Franciscan churches on the first of August. *Wadding, Annales Minorum*, ann. 1480, no. 41; 1481, no. 38.

<sup>9</sup> There were indulgences for those who frequented the mendicant churches, for their benefactors, etc. See Amort, i. p. 141 ss.

<sup>10</sup> E. g. The Holy Blood at Wilsnack, § 145, note 9. The resorts of pilgrims were innumerable. The most frequented were Rome, Loretto, St. Iago di Compostella, Einsiedeln, Aix, Treves. The *tunica Domini inconsutilis* at Treves, received from Leo X., in 1512, a general indulgence and other marks of favor; see Wittii *Hist. Westphaliae*, p. 639 ss., and drew in the same year a countless throng of pilgrims, with whom a profitable trade in relics was carried on. See Scheckmann, *Chron. S. Maximini*, in Münch's *Franz v. Sickingens Thaten*, Bd. 3, s. 116 ff.

<sup>11</sup> Martin V. granted to the *Festum corporis Christi* an indulgence of 100 days (Amort, i. p. 201), which, however, Eugene IV. doubled; see the calculation, l. c. p. 204. Sixtus IV., in 1472, granted to the *Feast of St. Francis* an indulgence of fifty years; in 1475, to the *Festum conceptionis b. M. V.*, another of 700 days, l. c. p. 203.

<sup>12</sup> Especially for the *Ave Maria*; see § 145, note 12.

<sup>13</sup> Thus, in 1481, Sixtus IV. granted a rich indulgence to those, *qui seren. Principem Venetiarum ad divina comitantur officia, et rempublicam consilio et opera gubernant et adjuvant*; see Amort, i. p. 208.

tained by some divines, though impugned by others.<sup>14</sup> Now the doctrine that it availed there, per modum suffragii, was the one most generally held<sup>5</sup> and was even officially ratified by Sixtus IV. in 1477. Henceforth the popes, in their bulls of indulgence,

<sup>14</sup> This was first maintained by Alex. Halesius and Thomas Aquinas; see vol. ii. § 84, notes 17, 18. Comp. Amort, ii. p. 59 ss.; Gerson, Sermo ii., pro Defunctis, denies—Indulgentias acquiri posse pro mortuis. Jo. Niderus, Summa Confessorum, lib. iii. qu. 191 (in Amort, ii. p. 92), maintains it: non enim est aliqua ratio, quare Ecclesia merita communia possit transferre in vivos, et non in mortuos.

<sup>15</sup> One principal author of this period declares this to be his opinion with regard to indulgences, Nicolaus Weigel or Wigelius, professor at Leipsic, and representative of this University at the Council of Basle (see Walch, Monumenta Medii Aevi, vol. ii. fasc. I. Praef. p. xxv., and the Leipsic Osterprogramm, 1786: De Legato Academiae Lipsiensis ad Conc. Basileense), from whose Opus de Indulgentiis, written in 1441 against the Hussites, Amort, ii. p. 94, gives an extract. Cap. 59, p. 111, on the question, an possint indulgentiae dari iis, qui sunt in purgatorio, the extract runs: Doctores varie respondent. Quod possint dari, potest probari, 1. Levit. 25, frater fratrem redimit: ergo idem potest Ecclesia. 2. Petrus habet claves regni. 3. Deus omnibus providit, ut jvari possint ab alio, ergo et animabus. 4. Animae illae non pertinent ad Ecclesiam triumphantem, ergo ad militantem. 5. Suffragia piorum juvant animas, ergo et indulgentiae. 6. Thesaurus sufficit etiam pro purgatorio. 7. Papa saepe facit praedicare crucem, ut aliquis habeat pro se, et tribus vel quatuor suis caris in purgatorio detentis. 8. Papa ligat et solvit post mortem, 24. qu. 2. 9. Papa constitutus est judex vivorum et mortuorum. Sed ad illam partem, quod non, sunt multae rationes et satis fortes. 1. Animae non sunt de foro Papae. 2. Non possunt aliquid operari in bonum Ecclesiae. 3. Non possunt a Papa ligari. 4. Si Papa potest eos absolvere, esset crudelis, si non quotidie eos absolveret. Pro concordantia auctor ex Richardo de Media-Villa dicit, quod prosint per modum suffragii, secundario ac indirecte.

<sup>16</sup> See his Declaratio in Amort, ii. p. 292: Cum superioribus mensibus nobis relatum esset, in publicatione indulgentiae, per nos alias Ecclesiae Xanctonensi (*Saintes*) concessae, plura scandala et discrimina fuisse exorta, praedicantesque in hujusmodi publicatione multos abusus commisisse, multosque errores praedicasse, ac inter alia occasione dictae indulgentiae, quam animabus in purgatorio existentibus per modum suffragii concessimus, nonnullos scripta nostra male interpretantes publice asseruisse atque asserere, non esse ultra opus pro animabus ipsis orare, aut pia suffragia facere:—nos scandalis et erroribus hujusmodi ex pastoralis officio obviare volentes per Brevia nostra ad diversos illarum partium Praelatos scripsimus, ut Christifidelibus declarent, ipsam plenam indulgentiam pro animabus existentibus in purgatorio per modum suffragii per nos fuisse concessam, non ut per indulgentiam praedictam Christifideles ipsi a piis et bonis operibus revocarentur, sed ut illa in modum suffragii animarum saluti prodesset, perindeque ea indulgentia proficeret, ac si devotae orationes, piaque eleemosynae pro earundem animarum salute dicerentur et offerrentur. But this declaration was again misunderstood by wicked men; for its meaning was by no means, indulgentiam nos plus proficere aut valere, quam eleemosynae et orationes. Rather—eam perinde valere diximus, i. e. per eum modum *per, a cui*, i. e. per quem orationes et eleemosynae valent. Et quoniam orationes et eleemosynae valent tanquam suffragia animabus impensa; nos, quibus plenitudo potestatis ex alto est attributa, de thesauro universalis Ecclesiae, qui ex Christi Sanctorumque ejus meritis constat, nobis commisso, auxilium et suffragium animabus purgatorii afferre cupientes supradictam concessimus indulgentiam, ita tamen, ut fideles ipsi pro eisdem animabus suffragium darent, quod ipsae defunctorum animae per se nequeant adimplere. Gabriel Biel, in his Expositio Missae Lect. 56, expresses himself still very ambiguously upon the question, utrum indulgentiae prosint defunctis; but when he wrote Lect. 56, the Declaratio Sixti P. had fallen into his hands: he received it naturally with full faith; but at the same time he sought to make the matter itself

continually issued decrees in favor of souls in purgatory, and assumed the air, in spite of that mitigating formula, of having full authority over it,<sup>17</sup> and of being the door-keepers of heaven, and

plainer: Et quod frequenter repetitum est *per modum suffragii*, non est intelligendum, quasi modus suffragii tollat efficaciam indulgentiarum, ita quod opus illud, pro quo dantur indulgentiae, non plus valeat animabus, quam si idem opus factum esset pro eis, nullis indulgentiis adjunctis, sicut quidam intelligere voluerunt: sic enim frustra daretur indulgentia pro animabus. Sed quod additur *per modum suffragii*, excludit modum iudicialiae potestatis, quae dicit iudicalem absolutionem. Cum enim defuncti implere non possint opus, pro quo dantur indulgentiae, dum illud pro eis fit ab alio, jam opus alterius suffragatur eis, ut possint consequi indulgentias, non minus quam si ipsi per se opus illud implevissent; et ita indulgentiae proficiunt eis per modum suffragii, i. e. propter aliquod opus ab alio factum, et eis per modum suffragii applicatum.

<sup>17</sup> Down to the year 1490 indulgences for the dead were still very rare; but in this year Innocent X. adopted the following expedient to raise money for the Turkish war (Trithemii Chron. Hirsaug. ii. p. 585); misit in universam Germaniam plenarias indulgentias Jubilaei non solum pro vivis, sed etiam pro defunctis, quae sicuti aetenuis fuerunt raras, ita etiam plurimorum disputationi expositae. Summa disputationis haec erat, quod Papa de plenitudine potestatis non solum viventibus contritis et confessis poenam possit remittere peccatis alioquin debitam, sed etiam omnium in Purgatorio existentium animarum ita remittere poenas, ut ipsum Purgatorium si velit penitus evacuare possit. Habuit haec assertio nova impugnantes, habuit et assertores, qui varia in utramque partem ut movebantur sythemata scripserunt: cautius tamen quam liberius ne forte proscriberentur et ipsi. The popes indeed retained the formula—per modum suffragii, but they spoke as though the efficacy of this suffragium depended upon themselves. Thus, it is stated in so many words in Alexandri P. VI. declaratio Jubilaei, ann. 1500, in Amort, i. p. 96, and in Julius II.'s indulgence bull for St. Peter's Church, A.D. 1510, l. c. p. 209: Et ut animarum salus eo potius procuretur, quo magis aliorum egent suffragiis, et quo minus sibi ipsis proficere valent, autoritate Apostolica de thesauro s. Matris Ecclesiae animabus in purgatorio existentibus, quae per charitatem ab hac luce Christo unitae decesserunt, et quae dum viverent, sibi ut hujusmodi indulgentia suffragaretur, meruerunt, paterno affectu, quantum cum Deo possumus, succurrere cupientes, de divina misericordia ac potestatis Apostolicae plenitudine volumus et concedimus, ut si qui parentes, amici, ac caeteri Christifideles pietate commoti pro ipsis animabus purgatorio igni pro expiatione poenarum eisdem secundum divinam justitiam debitarum expositis dicto anno Jubilaei durante pro reparatione dictae Basilicae S. Petri aliquam eleemosynam juxta dictorum poenitentiariorum—ordinationem, dictas Basilicas et Ecclesias modo praemisso devote visitando, in capsula in eadem Ecclesia seu Basilica S. Petri deputata posuerint, ipsa plenissima indulgentia per modum suffragii ipsis animabus in purgatorio existentibus, pro quibus dictam eleemosynam pie erogaverint, pro plenaria poenarum relaxatione suffragetur. The way in which the privileged altars rose is explained by the declaration of the Papal legate, Raymund, A.D. 1500, which the indulgence-preacher, John de Paltz, provost of the monastery Zum neuen Werke at Halle, heard from himself and has handed down in his Coelifodina (ed. 1510), Append. qu. 9, ad 3. According to this (see Amort, ii. p. 288), five Churches in Rome were provided by the popes for ever with such indulgences. To wit, 1. a Chapel in the Church *S. Potentianae*, in which is the inscription: haec est illa sacratissima Capella, in qua Princeps Apostolorum, scilicet S. Petrus, suam primam celebravit, habetque eadem Capella gratiam hanc, ut quicumque celebraverit, vel celebrari fecerit unam Missam in illa Capella, liberat unam animam a poena purgatorii, ut patet in Bulla. 2. *Eccl. S. Praxedis*, in qua quicumque celebraverit vel celebrari fecerit quinque Missas, liberat unam de purgatorio. 3. *Eccl. S. Laurentii extra muros*, quam Ecclesiam si quis visitaverit in omnibus diebus Mercurii per totum annum, habet a Deo et Sanctis Laurentio et Stephano istam gratiam extrahendi unam animam de purgatorio. 4. *Ecclesia S. Sebastiani* eti-

am extra muros, in qua est scriptum apud Altare, sub quo est reconditum corpus S. Sebastiani sic: Sub hoc Altari reconditum est corpus S. Sebastiani Martyris, et in omni Missa, quae celebratur super eodem, liberatur una anima de purgatorio. 5. Capella, vocata *Scala coeli*, ubi decollatus fuit S. Paulus Apostolus, in qua Capella sic est scriptum: Haec est secunda Capella, quae fuit fundata in toto mundo ad honorem b. Mariae V. et vocatur Scala coeli, super quam meruit S. Bernardus videre scalam erectam usque ad coelum. In qua quicumque celebrant vel celebrari faciunt pro animabus existentibus in purgatorio, meritis ejusdem b. M. V. dictae animae cito liberantur. Haec ex publico instrumento a R. D. Raymundo mihi in indulgentia praedicanti misso in Missiva. Pontifices concedunt etiam Laicis quartis feriis per integrum annum devote visitantibus Ecclesiam S. Laurentii, quod possint etiam unam animam indulgentialiter liberare. Insuper idem R. D. Raymundus in declaratione Bullae quondam publicatae in prima sui legatione dicit, quod Calixtus P. dederit indulgentias pro animabus redimendis de purgatorio ad Hispaniam Ecclesiae Tyrasonensi. Similiter easdem indulgentias concessit P. Sixtus IV. Ecclesiae Sanctonensi in Francia sub commissione ejusdem R. D. Raymundi. Sub quo et Innocentius VIII. easdem misit indulgentias per Germaniam, quod et modernus P. Alexander VI. per eundem fecit anno sequenti immediate post Jubilaeum Romae celebratum, anno 1500, mittendo ipsum cum amplissimo Jubilaeo tam pro vivis quam pro defunctis nedum per totam Germaniam, sed et per totum regnum Daciae. The Papal indulgence preachers speak of the Pope's power over purgatory as quite unquestioned: thus Jo. Angelus Arcimboldus, Commissarius apostolicus, or chief retailer of indulgences, says, in his instructions to his sub-delegates, A. D. 1514 (in Kappen's *Nachlese einiger zur Erläuterung der Reformationsgesch. nützlicher Urkunden*. Th. 3, s. 180): Advertant praedicatores, ut bene informent populum super validitate et efficacia praesentium indulgentiarum, ut eo facilius ad eas promerendas invitentur, cum per verbum praedicatoris intelligant, clarum esse et omni scrupulo et dubietate carere, Sanctissimo Domino nostro Papae omnimodam et plenissimam competere facultatem, indulgentias istas plenarias pro vivis et defunctis, et omnium peccatorum et poenarum, quas quis in purgatorio deberet pati, remissionem—concedendi.—Et qui de hac potestate dubitaret, de fide Christiana dubitaret, nec Christianus esset. Accordingly, the limitation of this power of the Pope to the *modus suffragii* was soon held worthy of censure (see Morung's *Schicksale*, below, note 19), and the formula *per modum suffragii* was frequently left out, e. g. in the letters of indulgence prepared by Christian Baumhauer the Pope's commissary of indulgences in 1510 (see Riederer's *Nachrichten zur Kirchen-Gelehrten-u. Büchergeschichte*, Bd. 3, s. 413, and Kist en Royaards *Archif voor kerkelyke Geschiedenis*, Deel 1, p. 215): Notum facimus, quod D. N. Papa cunctis Christifidelibus,—ultra plenissimas peccatorum indulgentias sacratissimi Jubilaei—ac alias plures gratias et facultates, quas ad hoc dispositi pro se ac certis defunctorum animabus respective consequuntur, de plenitudine ac liberalitate potestatis apostolicae misericorditer concessit, et voluit, ut tam ipsi quam omnes et singuli eorum parentes ac benefactores cum charitate defuncti in omnibus precibus, suffragiis,—et caeteris omnibus spiritualibus bonis, quae sunt et fieri poterunt in tota universali sacrosancta Ecclesia militante,—participes in perpetuum fiant. A Dominican nun, of the convent Kirchheim, in Swabia (see § 140, note 19), describes very graphically the means of winning indulgence for the dead, Sattler's *Gesch. des Herzogth. Württemberg*. Bd. 5, Beilagen, s. 279: Es kam eyn Legat von Rom in diss Land (A. D. 1489), mit so grosser Gnad und Applos, der glych vor nye gehört wart. Da löst unser Muter Priorin den Applos ouch uns allen in der Gemeyn. Und des Applos wurdent uns V. Brieff geben, die behalten sint, die kosteten me dann X. Fl. aber wir gobent es gern zu Loub, und das wir den Selen im Fegfür zu Hylff möchten kummen. Dann der Applos weret von unser lieben Frowen Tag nat. byss Sant Mychalis Tag: also lang hetten wir das Jubeljahr hinn, und möcht ein yeclich Swester dieselbe Zit als vil Selen erlösen, als sy wolt oder vermocht, und yeder Houpt rygeln zu Rom erlöset sy ein Sel, also wenn sy die VII. Kirchen uss gieng und in yeclicher Kirchen ein gantze Vigyl gesprach, so hett sy dann von yeclicher Vigyl ein Sel erlöset in yeclicher Kirchen, das moch eyn thun als dyck sy wolt, und für wöle Sele sy wolt, und wenn sy die Geng und das Gebett gedett,

dispensers of everlasting blessedness.<sup>18</sup> Men who denied this universal power of the popes were persecuted,<sup>19</sup> and the Sorbonne alone curbed their extravagant exaltation.<sup>20</sup> Besides these, many

so was sy sicher uss kristlichem Globen, das dieselbe Sel das Vegfürs ledig wer, sy wer denn nit in den Gnaden Gottes verscheyden gewesen. Darumm wiss uns der Vatter Leasmeyster, unser Bychtvatter, also an, daz eyn Swester, die ir selber VII. Selen welt fürnemen, so sy anvienng zu gan in die VII. Kirchen, die solt allemol me darzu nemen in solicher Meynung, ob es die nit bedörfften, oder ez nit empfenglich werent, das sy dann die andron in der Meynung hetten. Also solten sy ymer ussin thun, und möcht ein Swester nemen wöle Selen sy wolten, doch student Vatter und Muter zum ersten in der Bull benempt, und darnach sine nehsten Fründe, und den wirs von Ordens wegen schuldig warent alz Styffteren und Gutdetern des Ordens, der wurdent ouch fyl genumen. Dann ein Teyl des Geltes, das wir von der gemein gaben, was allermeyst umm den Applos für die Selen, das jnen geholfen würd. Es holet etlich Swestern CC Selen, etlich C, etlich L und darnach yechliche vermöcht: ouch hetten wir grosse Gebett für uns selber umm die gantz Absolutio, als uns unser Bychtvatter uffsatzt, für unser Sünde und Versümpnis, sy wer wie sy wolt, möcht er uns uff das mal abnemen, etc. [Translated in the Appendix.]

<sup>18</sup> Compare the promises in the crusading Bull of Pius II., in 1463, above, § 133, note 38. In a style more arrogant, Julius II., 1505 (Raynald. ad h. a. no. 5), promised to all those who should engage in person in the expedition of Emmanuel, king of Portugal—plenariam omnium peccatorum suorum remissionem et indulgentiam, and then added: ac eorundem omnium, quos in hac sancta expeditione proficisci contigerit, animas in sanctorum Angelorum consortio in coelestibus regnis et aeterna felicitate permansuras perpetuo decernimus collocandas: ita ut, si forsan designato tempore, non excepto ipsorum aliquo, postquam iter pro prosecutione tam sancti operis arripiunt, ex hac luce migrare contingat, indulgentiam hujusmodi omnino consequantur.

<sup>19</sup> Thus, among the errors of Petrus v. Osma (see § 136, note 24), which Sixtus IV. (Raynald. 1479, no. 32), condemns as—falsas, s. catholicae fidei contrarias, erroneas et scandalosas, etc., the following position is found: Romanum Pontificem purgatorii poenam remittere non posse. Dietrich Morung, canon of Bamberg, had to atone for this assertion with imprisonment; see the contemporary priest at Hof, Joh. Linturius, in his continuation of Werner Rollewinck, in Pistorii Scriptt. Rer. Germ. t. ii.: Anno 1489, quidam Legatus a latere missus cum Jubilaeo et maximis indulgentiis a Papa Innocentio, dum Norimbergae moram duceret, Doctor Theodoricus Morung, Canonicus Bambergensis—bullis contradixit papalibus in eo, quod Papa non haberet animis in purgatorio annum jubilaicum impertiri, nisi per modum suffragii (as Sixtus IV. had declared; see note 16). Et idem Norimbergam veniens, in egressu ad Herbipolin, circa Norimbergam capitur per clientes Marchionis Friderici, et vulneratus ducitur in Kadlspergk. Absolvit Legatus clientes, et ad manus Sanctissimi eundem Doctorem captivum tenuit, committendo ipsum dicto Principi. Tandem etiam ipsum inhabilitavit propter libellum famosum, quem *Passionem Sacerdotum sub Principe Marchione Alberto*, patre dicti Friderici, intitulaverat, editum tempore persecutionis sacerdotum sub Principe illustri Marchione Alberto ex parte cujusdam *Steurae* (on account of a certain tax), quam ab eis aliquatenus exegit idem Princeps in suo districtu, qui libellus per eundem Doctorem confectus fuisse dicebatur: etiam propterea, quod Papalibus bullis contradixit, et quod sacrilegus incantator, et quod sub Laici vestitu nocturno tempore armatus, ut cliens equestris, incessit. Et hic Doctor captus tenebatur, anno 1494, circa festum Michaelis, incarceratus a Marchione Friderico in quodam castro Rauhenculm.

<sup>20</sup> Thus the Sorbonne decided in November, 1482 (in d'Argenté I., ii. p. 307): Haec propositio: *Omnis anima existens in purgatorio ex justitia divina adjudicata ibidem stare pro quantocunque tempore, immediate evolat ad coelum, sive immediate a poena liberatur, si quis vivorum pro ea sex albos dederit per modum suffragii, seu elemosynae in reparacionem Ecclesiae S. Petri Xantonensis*: non sequitur ex Bulla, nec ex contentis in ea, seu



other graces were connected with the Papal indulgences;<sup>21</sup> some of which, as for instance the concessions with regard to property unrighteously gotten,<sup>22</sup> were open perversions of moral right. Others, such as the permission to take milk diet in fasting times,<sup>23</sup>

ex indulgentiis concessis praedictae Ecclesiae S. Petri Xantonensis; nec sequitur ex eadem Bulla de aliqua determinata anima, puta patris, aut matris, vel uxoris, aut alicujus alterius, quod tali modo liberetur, ut propositio dixit. Secundo, talis propositio non est simpliciter, absolute, et catholice asserenda, nec ex tenore Bullae seu virtute indulgentiarum praedictae Ecclesiae S. Petri Xantonensis concessarum, sane nec secure populo quovis modo praedicanda. It is evident from the proposition here censured how the Papal acknowledgment of the formula *per modum suffragii*, which was made on the very occasion of this indulgence at Sainctes (see note 16), by no means lessened the extreme claims as to its efficacy. Immediately after, in February, 1483, among other propositions of the Franciscan Johannes Angeli (see § 136, note 23), the Sorbonne censured this also (see d'Argentré I., ii. p. 305): *Animae in purgatorio existentes sunt de jurisdictione Papae: et si vellet, posset totum purgatorium evacuare*, with the remark: *Haec propositio in se est dubia, et ad mentem asserentis per modum jurisdictionis et ordinariae potestatis de falsitate suspecta et scandalosa, et nullatenus populo publice praedicanda.*

<sup>21</sup> E. g. To receive from one's confessor indulgence in certain irregularities, to give dispensation in case of a marriage contracted within too close a relationship, to commute certain vows into more convenient acts, etc.; see Alexander's Jubilee-bull of 1500, in Amort, i. p. 94. Julius's Indulgence-bull of 1510, l. c. p. 206 ss.

<sup>22</sup> Paul II., in 1467, empowered his legate Rudolph, who was to preach a crusade against George Podiebrad (see the bull, which is wanting in Raynald, ad h. a. no. 8, translated in Eschenloer's *Gesch. d. Stadt Breslau*, herausg. v. Kunisch, Bd. 2, s. 68), among other charges: "auch mit inen (who take the cross, or pay the tax), zu dispensiren—über die Früchte, Nütze und Genuße, heimlichen bößlichen genomen, und in den Gütern bößlich erworben, zu solchem Streite wider die Ketzter alleine zu keren und zu wenden." In Alexander's Jubilee-bull of 1500, in Amort, i. p. 94, was conceded the—*facultas super male ablati incertis, et male quaesitis, de quibus cui restitutio fieri debeat, notitia non habeatur, etiam secundum qualitatem personarum, et quantitatem male ablatorum et male quaesitorum componendi, et residuum eis remittendi.* In the bull in which Alexander extends this jubilee over all Italy until Whitsuntide, 1501 (l. c. p. 98), it is declared: *super male ablati incertis, vel per usurariam privitatem quaesitis, etiam certis, quando foenerator ab alio foenatore extorserit, vel ipse usuras restituere paratus non esset, vel alicui privatae Ecclesiae deberentur, in quibus tamen Romana Ecclesia succedere posset.* So likewise in the Jubilee-bull of Julius II., 1510 (l. c. p. 206 s.). Arcimboldus says on this point, in his instructions to his sub-delegates (see note 17), in Kappen's *Nachlese*, iii. s. 195: *Istos omnes casus debent praedicatores populo explicare, et super eis bene insistere ut bene intelligantur, praesertim in primo casu super male ablati incertis, quia in hoc multi sunt illaqueati, praecipue mercatores, qui aliquos incognitos aliquo modo decipiunt plus vendendo quam merces valent, vel vendendo malum pro bono, vel accipiendo aliquid plus in pretio ex eo, quia actionem pretii per tempus exspectant, vel aliquo alio modo, qui infiniti sunt.* Naturally there lurks here some comfort in respect to future impostures.

<sup>23</sup> Arcimboldus granted such an indulgence to the nuns of the convent of Bethlehem, in Nimwegen (Archief voor kerkelyke Geschiedenis, i. p. 227), in a letter of indulgence, A.D. 1517: *Praeterea ut liceat vobis, una cum hospitibus et familia vestra, pro tempore existente, quamdiu vixeritis, quadragesimalibus usque ad Dominicum Palmaram inclusive, et aliis diebus, quibus lactiniorum usus est prohibitus (cum, ut accepimus, in partibus vestris oleum olivarum non crescat) butiro loco olei, caseo, absque alicujus licentia; et cum consensu utriusque medici tempore infirmitatis lactinialis hujusmodi, ac etiam tunc et quocunque tempore prohibito ovis et carnibus vesci, pariter indulgemus.*

contributed at any rate still further to confuse all moral ideas. While it is manifest that this matter of indulgences, even if standing alone, could only produce the most injurious moral results, these results were also still further heightened by the base frauds which were constantly mingled with the traffic in indulgences. For sometimes forged indulgences, which even outstripped the real ones in absurdity, were received with general credulity by the common people:<sup>24</sup> sometimes the Papal indulgence-preachers overstepped their commission, and were ashamed of no method of turning their indulgences, like common wares, to the best possible account.<sup>25</sup> Thus, the Papal sale of indulgences was uni-

When Innocent VIII. granted to the subjects of the Duke of Saxony, in 1491, the *usus lactiniorum* on all fast days, in return for a rate for the rebuilding the church at Freiburg, the Dominicans at Freiburg resisted, especially Georgius Frichenhusius and Johannes de Bambergo, and pronounced the dispensation surreptitious. Dr. John v. Breitenbach, professor of canon law at Leipsick, sided with them, and maintained in his *Consilium* (see the extracts in Seckendorf, *Comm. de Lutherismo*, p. 18 s.), contributors sine conscientiae scrupulo butyro et lactiniis libere vesci non posse. Alexander VI. commanded silence in 1496, and renewed the concession (see Andr. Moller Chron. Freiburg, P. i. p. 51; P. ii. p. 189). This was also done by Julius II., in 1512, since he assigned the contributions partly to the erection of the Torgauer bridge, partly to the building of St. Peter's Church; see the bull (Butterbrief) in Kappen's *Nachlese*, iii. s. 155 ff.

<sup>24</sup> Thus Nicolas V. was obliged to restrain several ecclesiastics in Spain, among whom there was even a Benedictine abbot (Raynald, 1453, no 19), who, supported by forged Papal bulls, offered for sale plenary Jubilee-indulgences, and among other things asserted that they had the power—*animas parentum et amicorum pro certo pretio pecuniarum a purgatorio et inferno extrahendi*. In ancient prayer-books of the end of the fifteenth, and beginning of the sixteenth century, a form of prayer to the Holy Virgin is found, with an assurance that Sixtus IV. had granted an indulgence of 11,000 years to those who recite it devoutly (see Amort, i. p. 52. *Archief voor kerkelyke Geschiedenis*, i. p. 243), which Amort pronounces false, though only from internal evidence. In a Dutch prayer-book of the beginning of the sixteenth century, many such prayers are given with similar indulgences; see *Archief*, i. p. 241 ss. E. g. There is one with an indulgence of 100,000 years, and twenty quadrages. Joannes Major (see § 136, note 8), in *Sent. iv. Dist. 20, Qu. 2: fatuae et superstitiosae sunt quaedam inscriptiones viginti milliorum annorum, ubi quis dixerit quinque Pater noster ante talem imaginem, etc. Et debent Praelati illas rejicere et prohibere, quia cedunt in derisum et contemptum indulgentiarum, nec continent veritatem*. What was now conceived to be possible in this respect, is shown by the fact that Bernardino Corio, who wrote his *Historia di Milano* about 1500, records therein without offense (ed. Venet. 1565. 4. p. 629), that Boniface VIII. on the application of Galeazzo Visconte, had conceded that the Jubilee-indulgence in 1301 might be obtained in Milan also, cioè, che ciascuno nel dominio del Visconte, *se ancho non fosse contrito, ne confesso, fosse assoluto di ogni peccato, in questa città dimorando dieci di continui; ma ogni giorno dovesse visitare cinque Chiese, etc.* The *Congregatio Indicis* gave orders, in 1621, that this passage should be omitted from the editions (*Muratorii Scriptt. Rer. It.*, iv. p. 128).

<sup>25</sup> Cf. Jo. Huss, *Quaestio disputata*, ann. 1412, in the *Hist. et Monum. Jo. Husi*, i. p. 232; see below, § 150, note 14. Already, in 1433, the parochial clergy in Landshut had laid an appeal *de abusu Quaestuariorum* before the Council of Basle; see Amort, ii. p. 87. Afterward the abuse became much greater. Compare Johannes Major (see § 136,

note 3), in Sent. lib. iv. Dist. 20, Qu. 2: Innumeri sunt in indulgentiis abusus, potissimum per eos, qui eas falso comminiscuntur. Deinde magnae fiunt impensae, ut habeantur, et habitae ab Episcopis divulgari permittantur. Mille quoque modi a quaestuariis istis adinventi pro habenda pecunia a plebe. Laudo factum optimi cujusdam viri et doctissimi Joannis Raulini († 1514), qui, cum in theologia Licentiatu esset, et hi quaestuarii alibi offerrent pecuniam pro suo Doctoratu ea lege, ut cum eis proficisceretur de parochia in parochiam concionando: quamvis pauper esset, id tanquam se indignum recusavit. Quales confessores admittantur in his locis publicis, Deus novit, et quam celeriter finem imponant, ut lanam ab ovibus colligant! Nam ubi solent esse casus conscientiae intricatissimi, quibus in promptu vix posset respondere consummatus theologus, a sellis quispiam aegre capiens significationem propositi casus omnia occyssime expediet. A monk, Thomas, who lived before Luther, thus describes the proceedings of the traffickers in indulgences (in Florimundi Raemundi De Ortu et Progressu Haeresium, lib. i. c. 8, ed. Colon. 1614, p. 68 ss.): utque tanto melius ac facilius deglubere eos (populos) possint, cum Parochis rem et consilia conferunt, dicentes: Domine Paroche, apportamus indulgentias plenarias. Quod si vestro mandato populus convenerit, et processiones factae fuerint, nos tertiam ejus, quod inde collegerimus, vobis dabimus, et de bonorum hominum fortunis una laeti convivabimur. Ibi Parochus concubinarius, indocutus, mercenarius et non pastor, quo ventrem suum replere et scortum alere possit, cum istis Bullarum portatoribus transigit. Qui pecunia per fas et nefas collecta convivantur, saltant, genioque indulgent. Cf. Mich. Menot, below, note 30. See, likewise, Joannis Episc. Chemensis (see § 136, note 29) Onus Ecclesiae, c. 15. Franc. Belcaire (Beaucaire), bishop of Metz († 1591), Commentarii Rerum Gallicarum, lib. xvi. no. 15, on the retailers of indulgences under Leo X.: Tanta pontificiorum ministrorum impudentia erat, ut harum (indulgentiarum) obeundarum munus palam nundinarentur inter se, et nonnunquam parum sobrii, praesertim in Germania, in diversoriis aut alias, aut alio ludi genere ad alios transferrent. Of the notorious Dominican, John Tetzel, who sold the Pope's plenary indulgence in Germany, at first as the sub-commissary of Arcimbold, afterward of Albert, elector of Mayence, from 1512, an eye-witness, Frederick Mecum or Myconius, then a Franciscan monk at Annaberg, relates as follows in his history of the Reformation, on the year 1512 (edited by E. S. Cyprian, 2te Ausg. Leipsic, 1718. 8. s. 14): Er erpredigt unzehlich viel Gelds, das er alles gen Rom schickt, in Teutschland, und sonderlich auf dem neuen Bergwerck S. Annaberg, da ich Friedrich Mecum ihn selbst zwey Jahr gehöret, ward treflich gross Geld erlangt. Unglaublich ist, was dieser ungelert und unverschämt Mönch durfft fürgeben. Er sagt, wenn einer Christo bey seiner lieben Mutter geschlafen hätte, und legte nur Geld ins Pabsts Ablasskasten, so hatte doch der Pabst diese Gewalt im Himmel und Erden, dass ers vergeben kunt, und wenn ers vergebe, so müste es Gott auch vergeben. Item, wenn sie flugs einlegten, und Gnad und Ablass löseten, so würden alle Berge um S. Annaberg eitel gediegen Silber werden. Item, sobald nur der Groschen im Becken klung, führe die Seel, für die man einlegt, von Mund auf gen Himmel.—Und war der Ablass so hochgeehrt, dass wann man den Commissarium in ein Stadt einführt, so trug man die Bulla auf einen sammet oder gulden Tuch doher, und giengen alle Priester, Mönch, der Rath, Schulmeister, Schöler, Mann, Weib, Jungfrauen und Kinder mit Fahnen und Kertzen, mit Gesang und Procession entgegen. Da lautet man alle Glocken, schlug alle Orgel, beleitet ihn in die Kirchen, richtet ein roth Creutz mitten in der Kirchen auf, do hengt man des Pabsts Panieran, etc., und in Summa: man hatte nicht wohl Gott selbst schöner empfangen und halten können. In the year 1517, when Tetzel, as sub-commissary of the Elector, Albert of Mayence, offered for sale the indulgence for building St. Peter's, in the countries adjacent to Saxony, because the Saxon princes had forbidden the sale in their country, Myconius records, s. 20: Unglaublich ist, was der unverschämte Mönch nur fürgeben, ausreden und predigen durfft. Gab Brieff und Siegel, dass auch die Sünd vergeben solten seyn, die einer noch willens wäre zu thun. Der Pabst hatte mehr Macht, denn alle Apostel, alle Engel und Heiligen, auch Maria die Jungfrau selb. Denn diese waren alle noch unter Christo, aber der Pabst wär Christo gleich. Ja nach der Himmelfahrt hätte Christus nun in der Kirchen nichts mehr zu regieren, bis aufm jüngsten

versally regarded as a mere money speculation;<sup>26</sup> and it happened

Tag: sondern hätte solchs alles dem Pabat als seinem vicario und Statthalter befohlen. George, duke of Anhalt, says, in his Preface to the Sermons of False Prophets (Oper. f. 48, b.): Es durffte des Tezels Sub-Commissarius, auch ein Predigermönch, Bartholomäus genannt (welches ich mit meinem Ohren zu Dessau selbst in meiner Jugend gehört), unverschämt sagen, wie er von dem heiligen rothen Ablass-Creutz, daran des Pabsts Wapen gehangen, mit seinen Augen sehe das Blut Christi mildiglich herabfliessen, und daas solche grosse Gnade von der Zeit des Leidens Christi nicht gewesen. Er sagte auch, wie das Creutz Zeichen thät, und welche etwas dawider redeten, that er in Bann. [The above passages translated in the Appendix.]—Luther gives a similar account of Tetzels godless doings in his book against Hansworst, in 1541, which Sleidanus, lib. xiii. ed. Am Ende, ii. p. 208, excerpts. The words of the latter,—Is inter alia docebat, se tantam habere potestatem a Pontifice, ut etiam si quis *virginem matrem* vitlisset ac gravidam fecisset, condonare crimen ipse posset intervenu pecunie: deinde non modo jam commissa, verum etiam futura peccata condonabat,—have attained a degree of notoriety from the various reading *virginem aut matrem*, and the controversy thereupon. What sort of persons these retailers of indulgences were, is known from the personal statement of Cardinal Raymund, the Pope's legate, intrusted with the sale of the indulgences, who wrote to the German princes, in 1503 (see Bernardi Wittli, a Benedictine at Liesborn, Hist. Westphaliae, written in 1517, ed. Monast. 1778. 4. p. 610): Quanto nos magis istis pecuniis peperimus, tanto inhonestius quidam ex nostris Commissariis eas disperserunt: in pluribus enim diocesisibus, ubi non fuimus in propria, nihil penitus de tertia parte remansit propter eorum excessivas expensas atque immoderatos usus. Sunt enim plures, quorum avaritiae nec hodie possit satisfieri, etc.

<sup>26</sup> Thus writes Bernardus Witte, l. c. p. 587, ad ann. 1490: Eodem anno et sequenti maxime, immo inauditae praeteritis saeculis indulgentiae pro terrae sanctae recuperatione per Raymundum, tunc Romanae Curiae Protonotarium et Apostolicum Legatum, universum pene nostrum per orbem perlatae sunt, infinitaque pecunia collecta. Verum in eum usum, ubi hactenus translatus fuerat, et hic thesaurus collocatus est. O auri sacra fames, quantum te Domina mundi cruciat! P. 605, ad ann. 1503: Raymundus—Apostolicae sedis ad Germaniam Datiamque, etc. Legatus missus, ut Christifideles ad recuperationem terrae sanctae ac in Turcos Christi inimicos in pugnam animaret, promissa peccatorum indulgentia cunctis, qui contra Turcum militare vellent, parum quidem profecit, aes autem inopis et simplicis vulgi Romanae Ecclesiae gazis impendit.—Surdent profecto opulentum aures Evangelio, nec divinus sermo Principibus auditus est; contenti praesenti rerum statu potentes futurum Christi regnum nonnisi morientes inquirunt. Credula paupertas facile praedicatoribus obedit. P. 653, ad ann. 1516: On the indulgence which Leo X. offered for sale through Arcimboldus for St. Peter's: Hujus rei gratia et quia in superioribus annis sub Alexandro et Julio summis Pontificibus similes quasi indulgentiae emissae fuerunt, provincia nostra satis extenuata est: sed utinam vel Romana Curia semel satiata! sed perpetuam quis saturabit esuriam? Trithemii Chron. Hirsaugiense, ad ann. 1490. T. ii. p. 536, on the sale of indulgences by Raymund: Multa certe florenorum millia ex ea gratiarum largitione per Germaniam fuere collecta, quorum tamen nescio si vel unus denarius in praedicatum Cruciatas opus contra Turcos fuerit expositus. Guicciardini, Historia d'Italia, l. xiii.: Leone aveva sparso per tutto il mondo senza distinzione di tempi e di luoghi indulgenze amplissime, non solo per poter giovare con esse a quegli, che ancora sono nella vita presente, ma con facultà di potere, oltre a questo, liberare le anime dei defunti dalle pene del purgatorio; le quali cose non avendo in se nè verisimilitudine, nè autorità alcuna, perche era notorio, che si concedevano solamente per estorquere danari dagli uomini, che abbondano piu di semplicità, che di prudenza, ed essendo esercitate impudentemente dai commissari diputati a questa esazione, la piu parte dei quali comperava dalla corte la facultà di esercitarla, aveva concitato in multa luoghi indegnazione e scandalo assai, e specialmente nella Germania. How little the produce of the indulgence was always employed by the popes according to its avowed destination, see Guicciardini, ed. Venet. 1592, p. 395,

more and more frequently that the very act, which was announced as the dispensation of the highest spiritual graces, was not allowed by the secular nobles,<sup>27</sup> or was regarded with suspicion,<sup>28</sup> or gave rise to the strongest remonstrances.<sup>29</sup> Now, too, men began to come forward in increasing numbers, whose zeal in the cause of religion and morality was especially directed against the system of indulgences;<sup>30</sup> although persecution was usually the reward of their labors.

b. Il Pontifice (Leone), il quale per facilità della natura sua esercitava in molte cose con poca maestà l'ufficio ponteficale, donò a Maddalena sua sorella l'emolumento e l'essazione delle indulgenze di molte parti de Germania. Leonis X. Epist. ad Albertum Electorem Mogunt. dd. 26. Nov., 1517 (in H. Schmidt's Einleitung zur Brandenb. Kirchen-u. Reformations-Historie. Berlin, 1718. 4. 244: Fraternitati Tue committimus et mandamus, ut postquam acceperit dictum librum Titi Livii (viz. the 33d, de bello Macedonico), ipsi Johanni solvat seu solvi faciat cxlvii. Ducatos auri de Camera ex pecuniis indulgentiarum concessarum per illas provincias in favorem fabricae Basilicæ Principis Apostolorum de Urbe.

<sup>27</sup> The German Order forbade all their subjects to make the pilgrimage to Rome for the jubilee year, in 1450; see Voigt, in Raumer's Hist. Taschenbuch, 1833, s. 138. For the post-jubilee, in 1451, the dispensation of the indulgence was to be left to the four bishops in Prussia; but a part of the produce was to accrue to the Papal exchequer, and the bulls of commission were to cost 1000 ducats. The ambassador of the Order at Rome wrote on this subject to the Grand Master, s. 142: "Gnadiger Herr, solches Alles Zusammengenommen vernehmet ihr wohl, dass solcher Ablass gar zu theuer würde, und zu viel kostet, schon allhie zu Rom, und noch weit veil mehr daheim; und wenn es an mir wäre, dass ich rathen sollte, so wollte ich solchen Ablass lieber aus dem Lande biten, als ihn hineinbringen, denn meist würde nur Geld und Gut aus dem Lande gezogen. Also lasse ich es anstehn und bekümmere mich darum nicht mehr." The Order adopted this view, and did not allow the indulgence to be preached.

<sup>28</sup> In 1466, when a Jubilee-indulgence in support of the Turkish war was to be preached, the states of the German Empire made the condition, that the money should not be handed over either to the Pope or to the Emperor, but to the States. Müller's Reichstagsthestrum, Th. 2, s. 216 ff. In 1500, Cardinal Raymund did not venture to proclaim the Jubilee year in Germany until the Imperial government at Nuremberg had concluded an agreement with him, according to which the portion assigned for the Turkish war was to be kept under four different locks. (Raynald. 1500, no. 20. Sammlung der Reichsabschiede, Bd. 2. s. 96 ff.)

<sup>29</sup> See M. Meyeri Epist. ad Aeneam Sylv.; see § 183, note 17. Gravamen Nat. Germ., viii., A.D. 1510; see § 135, note 8.

<sup>30</sup> Nicolas V. had to publish regulations, in 1448 (see the bull in Raynald. ad h. a. no. 9), because—in nonnullis Burgundiae partibus plerique saeculares et regulares Presbyteri,—etiam nonnunquam in sermonibus publicis ad populum—habitis, aliqua piarum aurium offensiva,—et praesertim indulgentiarum et remissionum peccaminum, necnon clavium Ecclesiae, et sacramenti poenitentiae materias concernentia affirmarunt,—unde ibi gravia scandala successerunt.—Among the errors which the Franciscan, Johannes Vitriarius, had preached in Paris, and which were condemned by the Sorbonne in 1498, are found the following (d'Argentré I., ii. p. 341): VIII. *On ne doit point donner d'argent aux Eglises pour les pardons* (the opinion of the Sorbonne: scandalosa, devotionis fidelium diminutiva, falsa, reparanda). IX. *Les pardons ne sont point donnés pour les Bourdeaulx* (Est indiscrete populo praedicata, scandalosa in religiosos domos, quibus collatae sunt indulgentiae). X. *Les pardons rienment d'enfer* (Est piarum aurium offensiva, scandalosa, in Ecclesiam et claves Ecclesiae blasphema, haeretica, reparanda, si

For the hierarchy measured their indulgences and penalties only by the degree in which blind submission was rendered or refused to themselves. For the submissive they managed to bring the precepts of Christianity into convenient harmony with their sinful desires; but the disobedient they persecuted with an unsparing and relentless hand, even when they were actuated by the purest zeal for religion and morality. The list of the different kinds of disobedience, which were condemned on Maundy Thursday with the severest and most solemn excommunication, continued to increase.<sup>31</sup> That ban and interdict were often rashly and unright-

fuerit praedicata). On the other hand, Michael Menot (see § 146, note 10), A.D. 1517, preached uncensured in Paris (Sermones Quadragesimales. Paris, 1526. 8. fol. 147, b.): Vultis, quod ego dicam vobis unum verbum? Nunquam theologi fecerunt mentionem, nec posuerunt manum in istis indulgentiis: aut si fecerunt, raro et modicum. Videatis Joannem Andrae, Panormitanum, et omnes Caonistas, qui dicunt de indulgentiis parum. Scotus parum.—Sed soli caffardi eas praedicaverunt cum infinitis mendaciis, ut populum decipiant: qui saepe sunt parvi diaboli, quando sunt in taberna: quibus non est quaestio, nisi de luxuria, de ludo, etc. Dic si vis: quid ergo est? oportet ire ad magnam indulgentiam, quae est contritio. Et si hoc facias, promitto tibi, quod Magdalenae promissum est. Vade ad lachrymas cordis: effunde abundanter. Deus non dixit ei, quod poneret quinque solidos in trunco, sed dixit ei: *fides tua te salvam fecit* (Luc. vii. 50).—At Vienna, Philippus Turrianus, domus s. Spiritus commendator, preached against the indulgence, in 1500; see *Conspectus Hist. Univers. Viennensis Saec. ii.* (Viennae, 1724. 8), p. 73: *diversas contra indulgentias cum populi offendiculo propositiones palam effutivisse ferebatur, and was compelled by the theological faculty to pay a fine.* Ulrich Kraft, parish priest at Ulm († 1516; see Veessenmeyer, *Comm. de Vicissitudinibus Doctrinae de s. Coena in Eccl. Ulmensi.* Norimb. 1789. 4. p. 8), preached against Tetzl: *Es ist ein Lockvogel aufgestanden, der euch das Geld gern aus dem Beutel schwatzen wollte: glaubet demselben nicht, lieben Freunde, Christus allein ist unser Ablass und Versöhnopfer, so vor unser Sünde genug gethan und bezahlet; see Vogel's Leben des päbstl. Gnadenpredigers, oder Ablasscrämers J. Tetzels* (Leipz. 2te Aufl. 1727. 8). Besides these, Wolf, in his *Lectiones Memorabiles*, mentions also the following persons as opposers of indulgences in the beginning of the sixteenth century (the passages in point have been quoted in the later editions of Flacii *Catalogus Testium Verit.*); Sebastianus, doctor of divinity and canon at Erfurt (in Flacius ed. Francof. 1666, p. 827), Ludolph Castrick, pastor of St. Michael's Church in Magdeburg (Flacius, p. 833), Joh. Pfennig, parish priest at Naumburg, afterward at Annaberg, who tried to escape from persecution into Bohemia, in 1501, but was seized and kept in prison by the Bishop of Misnia (Flacius, p. 841. G. Fabricii *Annal. Urbis Misn.*, p. 78), Tilemann, monk at Groningen (Flacius, p. 842).

<sup>31</sup> Compare, above, § 120, note 19. The *Bulla coenae*, which Paul II. published in 1468, and which also was especially issued against George Podiebrad, Gregory of Heimburg, and others, may be seen in Cypriani *Tabularium Ecclesiae Romanae*. Francof. et Lips. 1748. 4. p. 38 ss. The *Bulla coenae* of Leo X., A.D. 1515, may be seen in Wittii *Hist. Westphaliae*, p. 647, and Hartzheim, *Concill. Germ. t. vi.* p. 144: *Consueverunt Romani Pontifices, praedecessores nostri, ad retinendum puritatem religionis Christianae—arma justitiae per ministerium Apostolatus in praesenti celebritate exercere. Nos igitur vetustum et solemnem hunc morem sequentes, excommunicamus et anathematizamus ex parte Dei omnipotentis, Patris, et Filii, et Spiritus Sancti, auctoritate quoque beatorum Apostolorum Petri et Pauli ac nostra, omnes haereticos, Gazaros, Patarenos, Pauperes de Lugduno, Arnoldistas, Speronistas, Passagerios, Wiclevistas seu Hussitas,*

Fratricellos, de opinione nuncupatos, et quoslibet alios haereticos, ac omnes fautores—eorundem. Item excommunicamus et anathematizamus omnes violatores et perturbatores libertatis ecclesiasticae,—et eos praesertim, qui—Ecclesiis et ecclesiasticis personis sine licentia speciali Romani Pontificis—onera—imponunt.—Item—omnes piratas, cursarios,—praecipue qui mare nostrum a monte argentario usque ad Terracinam discurrere, et navigantes in illo depraedari—hactenus praesumpserunt, ac omnes receptatores eorundem.—Item—omnes, qui in terris suis nova pedagia imponunt vel prohibita exigunt. Item—omnes falsarios Bullarum seu literarum Apostolicarum.—Item—omnes illos, qui equos, arma, ferrum, ligamina, et alia prohibita deferunt Saracenis, Turcis et aliis Christi nominis inimicis, quibus Christianos impugnant. Item—omnes impediētes seu invadentes victualia, seu alia, ad usum Romanae Curiae necessaria, adducentes:—cujuscunque fuerint ordinis, praecminentiae, conditionis et status, etiamsi Pontificali, Regali, Reginali, aut alia quavis ecclesiastica, vel mundana praefulgeant dignitate. Item—omnes illos, qui ad Sedem Apostolicam venientes, et rocedentes ab eadem—spoliant,—mutilare vel interficere praesumunt.—Item—omnes temere mutilantes,—interficiētes, capientes—Patriarchas, Archiepiscopos, eorumque mandatores. Item—omnes illos, qui—personas—ad Romanam Curiam super eorum causis et negotiis recurrentes,—aut—Procuratores ipsorum, vel etiam Auditores seu Judices super dictis causis—deputatos occasione causarum—ejusmodi verberant,—vel occidunt, seu bonis spoliant (see § 137, note 4):—ac illos, qui, ne literis et mandatis et Apostolicae Sedis, et Legatorum—ejusdem—non habito primo eorum beneplacito et assensu pareatur,—sub gravissimis poenis prohibere (see § 137, note 5),—quive in animarum eorundem periculum se a nostra, et Romani Pontificis pro tempore obedientia pertinaciter subtrahere—praesumunt: quive jurisdictionem seu fructus ad ecclesiasticas personas pertinentes usurpant vel arripiunt (§ 137, notes 2 and 3):—cujuscunque praecminentiae—fuerint, etiamsi Pontificali, Regali, Reginali, vel quavis alia praefulgeant dignitate. Item—omnes mutilantes, vulnerantes, interficiētes, seu capientes et detinentes, seu depraedantes, Romipetas.—Item—qui—occupant, detinent, vel hostiliter destruunt, seu invadunt—almam urbem, regna Siciliae vel Trinacriae, insulas Sardiniae et Corsicae, terras citra Pharum, patrimonium b. Petri in Tuscia, Ducatum Spoletanum, Comitatum Venaysinum, Sabinaem, Marchiae Anconitanae, Maasae, Trebariae, Romandiolaе, Campaniae, et Maritimae provincias, et terras specialis commissionis Arnolphorum, Bononiensium, Ferrariensium, Beneventanorum, Perusii, Avinionensis civitatis, Castelli, Tuderti, et alias civitates, terras, et loca vel jura ad ipsam Romanam Ecclesiam spectantia.—Non obstantibus quibuscunque privilegiis—eis—concessis, quod excommunicari vel anathematizari non possint per literas Apostolicas non facientes plenam et expressam—de—nominibus omnibus propriis—mentionem: nec non consuetudinibus—contrariis.—Et a quibus quidem sententiis nullus per alium, quam per Romanum Pontificem, nisi duntaxat in mortis articulo constitutus, absolvi possit: nec etiam tunc, nisi de stando s. Romanae Ecclesiae mandatis, satisfactione vel sufficienti cautione praestitis—Illos autem, qui contra tenorem praesentium talibus—absolutionis beneficium impendunt de facto, excommunicationis et anathematizationis sententia innodamus:—et declarantes,—nos gravius contra eos spiritualiter et temporaliter—processuros: et nihilominus quidquid egerint absolviendo vel alias, nullius sit roboris ac momenti. Ut autem hujusmodi nostri processus ad commencement omnium notitiam deducantur, chartas sive membranas processus continentes eodem in valvis Basilicarum Principis Apostolorum, sanctique Johannis Lateranensis de urbe affigi, seu appendi faciemus, quae processus ipsos suo quasi sonoro praeconio et patulo indicio publicabunt, ut hi, quos processus hujusmodi contingant, quod ad ipsos non pervenerint, aut quod ipsos ignoraverint, nullam possint excusationem praestendere, seu ignorantiam praetendere, cum non sit verisimile, quoad ipsos remanere incognitum, quod tam patenter omnibus publicatur. (On this method of publication, see above, § 59, note 88; § 99, note 7; § 103, note 9.) Verum ut praesentes literae, ac omnia in eis contenta, eo fiant notiora, quo in plerisque civitatibus et locis fuerint publicata, Venn. fratribus nostris Patriarchis, Primatibus, Archiepiscopis, Episcopis, et locorum Ordinariis ubilibet constitutis per haec scripta committimus, et in virtute sanctae obedientiae districte praecipiendo mandamus, quatenus per se, vel alium, seu alios, praesentes literas, post-

ously employed, was confessed and even censured by synods.<sup>32</sup> In consequence of the ever-increasing decline of respect for the hierarchy, it necessarily followed that their censures were often as little regarded by men<sup>33</sup> as by the noxious animals against which superstition not unfrequently employed them.<sup>34</sup>

## § 148.

## THE INQUISITION.

In the time of the Papal schism and of the reforming councils, the power of the Inquisition seemed to be broken, together with that of the hierarchy;<sup>1</sup> but when the latter once more lifted up its head, the former recommenced in Spain and Germany, in new shapes, with an energy even more blood-thirsty than ever before.

In Spain<sup>2</sup> opportunity for its action was given by the new

quam eas receperint, seu earum habuerint notitiam, saltem semel in anno, aut pluries, prout expedire viderint, in Ecclesiis suis, dum major in eis populi multitudo ad divina convenerit, solemniter publicent, et ad Christifidelium mentes deducant et declarent.

<sup>32</sup> See Conc. Basil, above, § 132, note 23.

<sup>33</sup> See § 136, note 29.

<sup>34</sup> Compare Müller's *Schweizergeschichte*, neue Aufl., Leipzig, 1826. Th. 4, s. 246 ff. Valerius Anshelm relates one instance of the kind, *Berner Chronik*, Bd. 1, s. 206 f, in the year 1479: Es hat ein wyse Stadt Bern, von ihren Geistlichen beredt, ihren harzu berathnen und geneigten Stadtschryber—einen wohlussgespitzten, latinischen, vollmächtigen Gewaltsbrief unter ihrem Sigel geben, die schadhafte, räubischen Inger, Kafer und Würm, mit geistlichs Rechtens, an ordentlichem G'richt zu Losann erlangtem und usgekündtem Bann, Verlütung und Verschiessung,—wie, als man sagt, die Ael uss dem Genfersee,—uss all ihren Gebieten und Landen zu verbannen und zu vertryben. Und wiewohl die Inger, als contumaces und violenti raptores et occupatores, das Recht,—villicht uss Untrüw ihres unmündigen Fürsprechers,—verluren, und heftig gebannet wurden: dennoch, ungeirret des grossen Bannes blibent s'in ihrer Gewerd und Possession so stark, dass man zu unseren Zyten Sant Mangen Heilthumb von Sant Gallen—wider sie beschickt.

<sup>1</sup> Thus Jacobus Carthusianus (see § 136, note 31), *De Arte curandi Vitia* (in v. d. Hardt, *Autographa Lutheri*, praef. p. 47), could exclaim without fear: *Utinam moderni theologi ac Praelati ordine procederent in correctionibus: non esset opus tot homines igne cremari. Sperandum melius esset de pluribus, si viderent vestigia Christi in Praelatis et theologis, qui per mansuetudinem suae doctrinae, et per pietatem omnes vicit, et trahendos ad se traxit. Moderni autem non sic. Sed qui nititur informari rationibus, exposcens rationem de fide, non sunt parati reddere rationem, ut tamen docet fieri b. Petrus Sed statim fremunt dentibus, acclamantes; haereticus est, comburatur. Sicque attrahendos exasperant, et exasperatos repellunt, et, si possunt, damna bonorum et corporis illis procurant. Quae omnia Christus non docuit, sed omnia prohibuit. Inde accidit, quod moderni nil proficiant, sed potius Ecclesiam Dei diminuant. Et cunctos, etiam timoratos, scandalisant.*

<sup>2</sup> Lud. a Paramo *De Origine et Progressu Officii sanctae Inquisitionis*. Matriti, 1598, fol. Spittler's *Entwurf der Gesch. der Span. Inquisition*, vor der Sammlung der Instructionen des Span. Inquisitionsgerichtes, übers. von J. D. Reuss. Hanover, 1788. 8. *Histoire Critique de l'Inquisition d'Espagne* par D. Jean. Ant. Llorente. Tomes iv. à Paris,



Christians, who, descended from the Jews converted by force, since the year 1391 maintained in secret among themselves their allegiance to the religion of their fathers.<sup>3</sup> But the Inquisition, set up on their account, received a peculiar character from the fact that Sixtus IV. granted to the two sovereigns, Ferdinand and Isabella (1478), the power to appoint and depose the inquisitors, and to confiscate the property of condemned persons to the royal exchequer. At first, two inquisitors were appointed by the sovereigns (1480); but although these two displayed a sufficiently blood-thirsty zeal,<sup>4</sup> nevertheless, in order to introduce greater system and unity into the work of blood, they were soon supplanted by Thomas de Torquemada as general-inquisitor (1483).<sup>5</sup> Inquisitors were at once appointed by him in all places of importance, and provided with most minute instructions.<sup>6</sup> These surrounded themselves with assistants (*familiares sancti Officii*); all resistance, even on the side of the civic authorities, was overcome by terror.<sup>7</sup> Upon countless funeral piles civil liberties were sacrificed to royal despotism, no less than reason to religious fanaticism.<sup>8</sup> Even the bishops, instead of being co-judges, were obliged

1817, 1818. 8. [J. A. Llorente, *History of the Inquisition of Spain*, 8. Lond. and Philadelphia. Rev. W. H. Rule, *The Brand of Dominic, or the Inquisition at Rome*, 12. N. Y. 1852.]

<sup>3</sup> Llorente, i. p. 141 ss.

<sup>4</sup> Llorente, i. p. 145 ss., compare Sixti IV. Epist. ad Ferdinandum et Isabellam dd. 29th January, 1482, in Llorente, iv. p. 347: Quo factum est, ut multiplices querelae et lamentationes factae fuerint, tam contra nos de illarum (litterarum) expeditione hujusmodi, quam contra Majestates vestras et contra dilectos filios Michaelem de Morillo Magistrum, et Joannem de S. Martino Baccalaureum in theologia, Ordinis Praedicatorum professores, quos dictarum litterarum praetextu inquisitores in vestra civitate Hispalensi nominastis, pro eo quod (ut asseritur) inconsulte, et nullo juris ordine servato procedentes, multos injuste carceraverint, diris tormentis subjecerint, et haereticos injuste declaraverint, ac bonis spoliaverint, qui ultimo supplicio affecti fuere: adeo ut quam plures alii justo timore perterriti in fugam se convertentes hinc inde dispersi sint, plurimique ex eis—ad sedem Romanam, oppressorum ubique tutissimum refugium, confugerint.

<sup>5</sup> Llorente, i. p. 172 ss.

<sup>6</sup> The first, of 29th September (according to Llorente, of 29th October), 1484, are in the Collection of the Instructions of the Spanish inquisitorial tribunal, translated by J. D. Reuss, s. i. ff.; abridged in Llorente, i. p. 175 ss.

<sup>7</sup> These were the attempts of the Cortes of Aragon in Rome, A.D. 1484, against the new Inquisition, particularly against the confiscation of property, which infringed upon the privileges of the country, Llorente, i. p. 187; the murder of the inquisitor at Saragossa in 1485, p. 189; disturbances at the same time through the whole of Aragon, p. 211; renewed resistance of the Cortes of Aragon in 1510, p. 371: general attempts of the Cortes of Castile, Aragon, and Catalonia, to overthrow the Inquisition on the accession of Charles V. to the throne in 1518, p. 376 ff.

<sup>8</sup> Ranke's Fürsten u. Völker von Sudeuropa im sechzehnten u. siebzehnten Jahrh., vornehmlich aus ungedruckten Gesandtschaftsberichten, Bd. 1 (Hamburg, 1827. 8), s.

to submit to the new inquisition ;<sup>9</sup> the popes themselves could no longer curb the hydra which had quickly outgrown their power.<sup>10</sup> From the year 1492, when all Jews who refused to be converted to Christianity were banished from their country by Torquemada's advice ; from 1502, when a similar fate befell the Moors of Granada, notwithstanding all the assurances made to them in the peace of 1492, the monster of the inquisition never ceased from the work of blood.<sup>11</sup> Fear and distrust penetrated the nearest and most sacred relationships : cruelty, revenge, malice, and hypocrisy sank deeper and deeper into the character of the people, who groaned beneath this fearful yoke.<sup>12</sup>

241. What was first thought in Spain about the new Inquisition is evident from Sixti IV. Epist. ad Isabellam dd. 23. Febr. 1483, in Llorente, iv. p. 854 : Quod autem dubitare videris, nos forsan existimare, cum in perfidos illos, qui Christianum nomen ementiti Christum blasphemant, et judaica perfidia crucifigunt, quando ad unitatem redigi nequeant, tam severe animadvertere cures, ambitione potius et bonorum temporalium cupiditate [te agi], quam zelo fidei et catholice veritatis, vel Dei timore ; certo scias, ne ullam quidem apud nos ejus rei fuisse suspicionem. Quod si non defuerint qui ad protegendum eorum scelera multa susurrarint, nihil tamen sinistri de tua vel—consortis tui illustris devotione persuaderi nobis potuit.

<sup>9</sup> Ferdinand de Talavera, first Archbishop of Granada, was called to account by the Inquisition in 1504 for having endeavored, as confessor to the Queen, to oppose the establishment of the new Inquisition, and was only rescued by the intervention of the Pope. Llorente, i. p. 841.

<sup>10</sup> At first the curia endeavored to open a traffic advantageous to itself, by means of the new institution. It sold absolutions for the crime of apostasy ; but the Inquisition and the sovereigns offered so firm a resistance, that at length, 23d August, 1497, Alexander VI. was obliged to annul all such papal absolutions by limiting them to the *forum conscientie*, Llorente, i. p. 239 ss. The curia likewise at first sold privileges, by which certain accused persons were exempted from the jurisdiction of the Inquisition ; but Alexander VI. decreed, 15th May, 1502, that in future all cases of exemption from the Inquisition should be brought before the Grand Inquisitor in person. Llorente, i. p. 247 ss.

<sup>11</sup> According to Llorente, iv. p. 252, down to 1498, in which year Torquemada resigned his office, 8800 were burned alive, 6500 in effigy, and 90,004 punished with different kinds of penance. Under the second general-inquisitor, the Dominican, Diego Deza, from 1499 to 1506, 1664 persons were burned alive, 832 in effigy, 82,456 punished : under the third general-inquisitor, the Cardinal and Archbishop of Toledo, Francis Ximenes de Cisneros, from 1507 to 1517, 2596 were burned alive, 1368 in effigy, 47,263 reconciled.

<sup>12</sup> The orthodox opinion in Spain with regard to these cruelties appears from the account of the introduction of the Inquisition, in the *Hist. de Rebus Hispaniae*, by the Spanish Jesuit, Jo. Mariana (published at Toledo 1592), lib. xxiv. c. 17 : *Meliori Hispaniae fato, quod eatenus factum non erat, quaestionibus habendis adversus religionis desertores atque haereticos, aliisque in veram pietatem criminibus vindicandis certi judices designati in Castella sunt, discreti ab Episcopis (quorum eae partes ab antiquo erant), Romani Pontificis auctoritate, et favore Principum armati, Inquisitorum ab officio nomine. Morem in aliis provinciis frequentem Italia, Gallia, Germania, ipsaque Aragonia, hoc demum tempore Castella est imitata : neque in studio impios conatus vindicandi se ab ulla gente vinci passa est. Auctor consilii Hispaniae Cardinalis (l. e. Petrus*

A fresh impulse was given to the inquisition of Germany in another manner, but with no less sanguinary results. The secret meetings of heretics had long been regarded as leagues with the devil. But sorcery, as being fraught with danger to every one, was hated by the people even more than heresy.<sup>13</sup> Accordingly, in 1484, Innocent VIII. announced to the Germans that they were in danger on all sides from wizards and witches,<sup>14</sup> and com-

Gonzalez a Mendoza, Archiepiscopus Hispalensis). Licentia superiorum temporum multa in ea provincia erant depravata, Mauris Judaisque cum piis promiscue versantibus nullo non commercii genere. Prava consuetudine usuque non paucos e piorum numero infici necesse fuit: plures sacra Christiana, quae susceperant patria superstitione abdicata, fide inconstanti, nullo vetante deserebant: labes Hispali maxime est grassata: in ea urbe primum quaestionibus arcano habitis de sontibus gravissimis poenis vindicatum est. Nam majori commisso delicto, igne post diuturnum carcerem et tormento necabantur; leviori de causa ignominia inurebatur familiae perpetua; non pauci bonis publicatis aeternis tenebris vinculisque mandati. Rubra crux obliquis radiis ac decussatim in crocea veste, quam S. Benedicti (*San-Benito*) vocant, plerisque data insignia, a caeterisque discreta, ut essent documento, et magnitudine supplicii terrenter alios. Quod usu salutare extitit, grave initio provincialibus visum est. Illa maxime: parentum scelera filiorum poenis sui; occulto accusatore reos fieri; neque cum indice compositos damari; contra quam olim factum erat, peccata in religionem vindicari morte. Illud gravissimum, adimi per inquisitiones loquendi libere, audiendique commercium, dispersis per urbes et oppida et agros observatoribus, quod extremum in servitute credebant. Ita discrepantibus judiciis, nonnulli mortis poenam removebant, caeterum suppliciorum acerbitates omnes complectebantur: in hoc numero Fernandus Pulgarius arguto atque elegantis ingenio, cujus extat de Ferdinandi Regis rebus gestis historia: alii, quorum melior sententia fuit, qui foedere religionem, et sanctissimas caeremonias mutare conati essent, eos frui vita et communi spiritu non putabant oportere, bonis et ignominia multandos videri, nulla filiorum cura. Praeclare id legibus comparatum, ut caritas libero- rum cautiores parentes reddat. Occulto iudicio tergiversationes vitari: neque nisi de convictis aperte, aut confessis poenas sumi. In multis saepe antiquos Ecclesiae mores, prout res et tempora exigunt, mutari: et majorem licentiam majori severitate coercendam videri. Successus opinionem superavit.—Ab hoc initio res in hanc auctoritatem crevit atque potestatem, qua nulla pravis hominibus toto orbe Christiano formidabilior est, reipublicae universae majori commodo; praesens remedium adversus impendentia mala, quibus aliae provinciae exagitantur, caelo datum: nam humano consilio adversus tanta pericula satis cavere non potuit.

<sup>13</sup> Compare E. D. Hauber's *Bibliotheca, Acta et Scripta magica, gründliche Nachrichten und Urtheile von solchen Buchern und Handlungen, welche die Macht des Teufels in leiblichen Dingen betreffen*. 36. Stück. Lemgo, 1739-1745. 8; G. E. Horst's *Dämonomachie, oder Geschichte des Glaubens an Zauberei u. dämonische Wunder, mit besonderer Berücksichtigung des Hexenprocesses seit den Zeiten Innocentius VIII., 2 Th. Frankf. a M. 1818*. The same author's *Zauberbibliothek*, 6 Theile. Mainz, 1821-1826. 8.

<sup>14</sup> In the bull *Summis desiderantes affectibus* dd. Non. December, 1484, incomplete in the Lib. septimus Decretal. Lib. v. tit. 12, c. 4, complete in Hauber's *Bibl. Mag. St. 1. s. 1 ff.* Horst's *Dämonomachie*, Th. 2, s. 17 ff.: Nuper ad nostrum—pervenit auditum, quod in nonnullis partibus Alemanniae superioris, necnon in Moguntinensi, Coloniensi, Trevirensi, Salzburghensi et Bremensi provinciis—complures utriusque sexus personae, propriae salutis immemores, et a fide catholica deviantes, cum daemonibus, incubis et succubis, abuti, ac suis incantationibus, carminibus et conjurationibus—mulierum partus, animalium foetus, terrae fruges, vinearum uvae, et arborum fructus, necnon homines, mulieres, pecora, pecudes, et alia diversorum generum animalia, vineas quoque,

missioned the two inquisitors, Henry Krämer and James Sprenger, to persecute them with peculiar rigor. In order to convince unbelievers, and bring the new office into working order, they issued the *Hexenhammer* (*Malleus Maleficarum*. Colon. 1489. 4).<sup>15</sup> Only with peril and without success, a few clearer-thinking men declared against this delusion:<sup>16</sup> numerous funeral pyres soon subdued

pomaria, prata, pascua, blada, frumenta, et alia terrae legumina perire, suffocari et extingui facere et procurare, ipsosque homines,—et animalia diris tam intrinsecis quam extrinsecis doloribus et tormentis afficere et excruciare, ac eosdem homines, ne gignere, et mulieres, ne concipere, virosque, ne uxoribus, et mulieres, ne viris actus conjugales reddere valeant, impedire: fidem praeterea ipsam, quam in sacri susceptione baptismi susceperunt, ore sacrilego abnegare, aliaque quam plurima nefanda,—instigante humani generis inimico, committere et perpetrare non verentur.—Quodque licet dilecti filii, Henricus Inquisitoris in praedictis partibus Alemanniae superioris,—necnon Jacobus Sprenger per certas partes lineae Rheni, Ordinis Praedicatorum, et theologiae professores, haereticae pravitatis inquisitores per literas Apostolicas deputati fuerunt: tamen nonnulli Clerici et laici illarum partium, quaerentes plura asperere quam oporteat, pro eo quod in literis deputationis hujusmodi provinciae,—ac excessus hujusmodi nominatim et specificè expressa non fuerunt,—praefatis inquisitoribus in provinciis—praedictis hujusmodi inquisitionis officium exequi non licere,—pertinaciter asserere non erubescunt.—Nos igitur,—ne contingat, provincias—et loca praedicta—debito inquisitionis officio carere, eisdem inquisitoribus in illis officium inquisitionis hujusmodi exequi licere—tenore praesentium statuimus. Proque potiori cautela literas et deputationem praedictas ad provincias—et crimina hujusmodi extendentes, praefatis inquisitoribus, quod ipsi—in provinciis—praedictis contra quasculumque personas—hujusmodi inquisitionis officium exequi, ipsasque personas, quas in praemissis culpabiles repperint, juxta earum demerita corrigere, incarcerare, punire, et mulctare; necnon in singulis provinciarum hujusmodi parochialibus Ecclesiis verbum Dei fideli populo, quoties expedierit ac eis visum fuerit, proponere et praedicare, omniaque alia et singula in praemissis et circa ea necessaria et opportuna facere, et similiter exequi libere et licite valeant, plenam ac liberam eadem auctoritate de nova concedimus facultatem. Et nihilominus ven. fratri nostro Episcopo Argentinensi per Apostolica scripta mandamus, quatenus—non permittat, eos quoscunque super hoc—molestari, seu alias quomodolibet impediri; molestatores et impediētes et contradictores quoslibet, et rebelles, cujuscunque dignitatis, status, gradus, praeeminentiae, nobilitatis, et excellentiae aut conditionis fuerint, et quocunque exemptionis privilegio sint muniti, per excommunicationis, suspensionis et interdicti, ac alias etiam formidabiliores, de quibus sibi videbitur, sententias, censuras et poenas, omni appellatione postposita, compescendo: et etiam legitimis super his per eum servandis processibus sententias ipsas, quoties opus fuerit, aggravare et reaggravare auctoritate nostra procuret, invocato ad hoc, si opus fuerit, auxilio brachii saecularis.

<sup>15</sup> On the editions of this work see Hauber, St. i. s. 89 ff. ii. s. 90 ff. v. s. 811 ff. It consists of three parts. P. I. treats—super tria, quae ad maleficalem effectum concurrunt, ut sunt Daemon, maleficus et divina permissio. P. II. super remedia praeservativa and super remedia maleficia amoventia. P. III. super remedia ultima contra personas maleficarum.

<sup>16</sup> In Evreux, as early as 1458, Wilhelmus Edelinus, doctor of divinity, prior of St. Germain en Laye, was sentenced to imprisonment for life, on account of a league with the devil; see Chroniques d'Enguerran de Monstrelet (à Paris, 1572), vol. iii. fol. 68. The principal charge brought against him is known from the work of another contemporary writer, a Dominican, Nicolai Jaquerii († in Ghent, 1471) *Flagellum Haereticorum Fascinariorum* (ed. Francof. 1581. 8), cap. 5. The *schedula*, in which the ill-fated man had to record the crime fastened upon him, continebat inter caetera, quod, quando ipse fuit introductus ad dictam sectam, Diabolus asserebat, quod ipse Magister

them. Many persons entirely innocent were sacrificed, but with

Guilhelmus bene posset, si vellet, augmentare ejusdem Daemonis dominium, praecipiendo eidem Magistro Guilhelmo praedicare, quod hujusmodi secta non erat nisi illusio, et quod hoc praedicaret ad contentandum populum patriae, ubi tunc morabatur ipse Magister Guilhelmus. Comp. Hauber, St. 15, s. 152 ff. Malleus Malefic., P. I. Qu. 1, answers in the affirmative the question: utrum asserere maleficos esse sit a Deo catholicum, quod ejus oppositum pertinaciter defendere omnino sit haereticum. Hence it appears that there were many at that time who—publice praedicant, maleficas non esse, aut quod nullo modo valeant hominibus nocere. Hence follows, P. I. Qu. 18, *modus praedicandi contra quinque argumenta Laicorum, quibus probare videntur sparsim, quod Deus non permittat tantam potestatem Diabolo et maleficis circa hujusmodi maleficia inferenda*. These reasons are: *Primum sumitur ex parte Dei*: Deus punire potest hominem propter peccata et punit gladio, fame et mortalitate, item diversis aliis infirmitatibus variis et innumeris, quibus humana conditio subjacet: unde quia opus ei non est adjungere alias punitiones, ideo non permittit. *II. ex parte Diaboli*: Si vera essent quae praedicantur, quod videlicet (Daemones) vim generativam impedire possunt, ut videlicet mulier non concipiat; vel, si concipiat, quod abortum faciat; vel si non abortum, quod etiam post partum natos interficiant: utique sic perimere possent totum mundum. Et iterum posset dici, quod opera Diaboli essent fortiora operibus Dei, scilicet sacramento matrimonii, quod est opus Dei. *III. ex parte hominis*: Videmus, si maleficium debet esse aliquid in mundo, tunc aliqui homines plus aliis maleficianter. De quo si quaeritur, utique dicitur hoc esse propter punitionem peccatorum: sed hoc est falsum; ergo et illud, quod maleficia sint in mundo. Falsitas autem probatur ex eo, quia tunc majores peccatores amplius punirentur: hoc autem est falsum, cum minus puniantur, quam alii interdum justii. Quod etiam cernitur in pueris innocentibus, qui asseruntur maleficiari. *Quarto potest addi et aliud argumentum ex parte Dei, hoc*: Quod quis impedire posset, et non impedit, sed fieri permittit, utique judicatur ex sua voluntate processisse. Sed Deus cum sit summe bonus, non potest velle malum: ergo non potest permittit, ut fiat malum, quod ipse impedire potest. *Item ex parte morbi*: Defectus et infirmitates, qui dicuntur maleficiales, similes etiam sunt defectibus et infirmitatibus naturalibus, i. e. qui ex defectu naturae procedunt. Quod enim aliquis claudicat, excoecatur vel rationem perdit, vel etiam moritur, ex defectu naturae contingere possunt: unde non possunt secure maleficia adscribi. *Ultimo ex parte judicum et praedicatorum*, qui, cum talia adversus maleficas praedicant et practicant, utique propter ingens odium a maleficis contra eos conceptum nunquam essent securi. They who preached against the belief in witches rested principally upon Decret. Gratiani Causa xxvi. Qu. 5, c. 12, ex Conc. Anquirensi, in which the midnight journeys of witches through the air, and the possibility of their changing themselves into other shapes, were pronounced heathenish superstitions, and the clergy were required to preach against them. On this account Malleus Malef., P. ii. cap. 8, labors to prove, that these opponents only *in cortice canonis laborarent*, and that there certainly were magic arts of the kind mentioned. After producing several instances it proceeds: Tantummodo haec sufficient aduersus illos, qui hujusmodi corporales transvectiones aut omnino negant, aut quod solummodo imaginarie et fantastice fiant, affirmare conantur. Qui utique in suo errore si relinquuntur, parum esset, imo nec advertendum, dummodo in fidei contumeliam ipsorum error non vergeret. Attento autem quod illo errore non contenti etiam alios inserere, et publicare in maleficarum augmentationem et fidei detrimentum non verentur, dum asserunt, quod omnia maleficia, quae eis juste tanquam instrumentis Daemonum vere et realiter imputantur, eis tantummodo imaginarie et illusorie, tanquam innoxii, esse imputanda, sicuti et ipsa transvectio fantastica, unde et pluries impune in magnam creatoris contumeliam et gravissimum jam ipsorum augmentum remanserunt, etc. Compare P. ii. cap. 8. Two dialogues of this period are worthy of note, in which the reasons and counter-reasons in respect of belief in witches are drawn out. Ulrich Molitoris, Decretorum Doctor, and assessor of the episcopal court at Constance, wrote at the suggestion of the Archduke Sigismund of Austria: De Lamiis et Pythonicis Mulieribus.

these the secret heretics also were persecuted with greater success as wizards;<sup>17</sup> for even the secular authorities themselves began to vie with the inquisitors in the persecution.<sup>18</sup>

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## FIFTH CHAPTER.

### HISTORY OF THE ADVERSARIES OF THE ROMAN CHURCH.

#### § 149.

##### ANCIENT SUPERSTITIOUS SECTS.

The Manicheans now maintained themselves only in Bosnia. They were here predominant, until Stephen Thomas, King of Bosnia, went over to the Roman Church in 1442,<sup>1</sup> and began to persecute them. However, by so doing he only precipitated the

Colon., 1489. The reasons against belief in witchcraft are here drawn out with surpassing force, but great caution, and the decisive denial only put in the mouth of the archduke; compare Hauber, St. 2, s. 103 ff. In the dialogue of the Franciscan, Thomas Murner, *De Pythonico Contractu*, Freyburgii, 1499, it is scarcely possible to discover the real opinion of the author; see Hauber, St. 2, s. 116 ff. Both dialogues are added to the edition of the *Malleus Maleficarum*, published at Frankfort, in 1580. 8.

<sup>17</sup> The events at Arras, A.D. 1459, show how persons suspected of heresy were soon accused of witchcraft; a great number of persons there, who were considered to be Waldenses, were accused of being in league with the devil, and burned accordingly; see Enguerrand de Monstrelet *Chroniques*, vol. iii. fol. 84. The great jurist, Franc. Balduinus, himself a native of Arras, writes on this subject, *Comm. in Institutt.*, lib. iv. tit. 18, p. 774: Quo gravius et ab hominis ingenio magis alienum est hoc malum (the crime of witchcraft), eo major adhibenda est cautio, ne quis ejus praetextu ab adversariis temere obruatur. Facile enim hic quidvis confingere potest ingeniosa similtas, ut et multitudinem statim commoveat, et attonitos judices irretat adversus eum, quem cum Daemonibus rem habere mentietur. Ante annos sexaginta sensit infelix nostra patria magno suo malo hujusce generis calumnias. Magna erat Valdensium mentio, quos adversarii jactabant nescio quid commercii habere cum immundis spiritibus. Hujus criminis praetextu optimi quique statim opprimebantur. Sed tandem Senatus Parisiensis causa cognita vidit meras esse sycophantias, infelices reos liberavit, improbos sycophantas cum iniquis iudicibus damnavit. Extatque adhuc ejus memorabile hac de re Arestum, editum xx. die mensis Maji Anno 1491. Compare Hauber, St. 2, s. 64 ff. The *Malleus Maleficarum* labors to prove that witchcraft is the greatest heresy (p. 1. Qu. 14).

<sup>18</sup> The *Malleus Maleficarum*, p. iii., argues in the introduction that because—crimen maleficarum non est mere ecclesiasticum, imo potius civile propter damna, quae inferuntur temporalia, therefore, the judge saecularis cognoscere et judicare potest usque ad sententiam diffinitivam ad poenitentiam, quam ab Ordinariis recipiet: secus super sanguinem, quam per se ferre potest. Accordingly, P. iii. is also intended for the instruction of secular judges.

<sup>1</sup> See *Epist. Benedicti Ovetaril Vicentini ad Petrum Donatum Episc. Patavinum dd. Rom. Kal. October, 1442*, in *Martene Ampl. Coll.*, i. p. 1592.

ruin of his kingdom, which fell a prey to the Turks in 1463.<sup>2</sup> The superstitious flagellants, on the other hand, survived secretly in Thuringia and Anhalt.<sup>3</sup>

## § 150.

## EFFORTS FOR REFORM.

## JOHN HUSS AND JEROME OF PRAGUE.

*Sources*: *Historia et Monumenta Jo. Hus atque Hieronymi Pragensis*. Tomi. ii. Norimbergae, 1715, fol.

*Hostile to Huss*: Aeneae Sylvii De Bohemorum Origine ac Gestis *Historia* (Romae, 1475, fol. and at other times e. g., Wolferbyti, 1620. 8), cap. 85, 86. Jo. Cochlaei *Hist. Hussitarum*, libb. xii. apud S. Victorem prope Moguntiam, 1549, fol.

*Friendly to him*: *Hussitenkrieg*: comprising the Life, Doctrine, and Death of M. John Huss, also how he was avenged by the Hussites, etc., all diligently collected from trusty historians, ancient monuments, and manuscripts, by M. Zacharias Theobaldus Nürnberg, 1621. 4.

*Works*: Wilh. Seyfridi *Diss. de Jo. Hussi Martyris Vita, Fatis ac Scriptis*, Jenae, 1729; cum annotationibus J. Chr. Mylii, Hilperhusae, 1748. 4. *Lebensbeschreibungen von Huss u. Hieron. v. Prag* in W. Gilpin's *Biographien der bekanntesten Reformatoren vor Luther*, translated from the English. Frankf. u. Leipz., 1769. 8. *Life of Huss* by Aug. Zitte, 2 Theile, Prag, 1789. 90, by J. F. W. Tischler, Leipz., 1798. *Leben des Hieronymus v. Prag* von Tischler. Leipz., 1802.—Compare the works on the Council of Constance at the beginning of § 181.

[*Fontes Rerum Austriacarum*, vol. ii. 1. 1857, *Geschichtschreiber d. Hussitischen Bewegung in Böhmen*, von Prof. Dr. Köhler, lxxiii. u. 642 s. A. B. Zörn, *Huss auf dem Concil. zu Costnitz*. 8. Leipz., 1836. Neander's *Church Hist.*, vol. v. of Torrey's trans-

<sup>2</sup> There is a letter of praise from the Pope to the King on account of this persecution, in Raynald. 1445, no. 23. Two Voivodes, Stephen, the King's father-in-law, and John, who had been outwardly converted to the Roman Church, returned to heresy and shielded the Manicheans. Against these men Nicholas V. instructed a legate, in Raynald. 1449, no. 9. The Manicheans even invited the aid of the Turks against their King, Rayn. 1450, no. 13. His son and successor, Stephen Thomassovitch, agreed to pay tribute to the Turks, and began to persecute the Manicheans afresh, and to confiscate their property, Rayn. 1460, no. 91. Cf. Pii II. *Commentarii Rerum Memorab. a J. Gobelino compositi*, lib. v. p. 125: *Rex Bossinac—ut piaculum traditae Turcis Synderoniae purgaret, ac suae religionis fidem faceret, sive, quod multi crediderunt, avaritiae obtentu Manichaeos, qui erant in regno suo quam plurimi, nisi baptismum Christi acciperent, e regno migrare coëgit substantia relicta: duo circiter millia baptizati sunt, quadraginta aut paulo plures pertinaciter errantes ad Stephanum Bosnae ducem (Stephen Cosaccia, duke of the Herzegovina) perfidiae socium confugere. Tres principes haereseos in aula Regis potentes Episcopus Nonensis victos ad Pontificem duxit, quos Pius per monasteria relegatos edoceri Christianum dogma curavit. Joannes Cardinalis sancti Sixti ad se vocatos instruxit, persuasitque tandem abjuratis erroribus Ecclesiae Romanae, quae nec falleret, nec falleretur, documenta suscipere: reconciliatos ad Regem remisit (Cf. Raynald. 1461, no. 136): duo in fide permansere, tertius more canis ad vomitum rediens ex itinere dilapsus ad Stephanum confugit. In the year 1463 King Stephen was taken prisoner and slain by the Turks, and Bosnia was annexed (Gobellinus, lib. xi. p. 311).*

<sup>3</sup> Their opinions may be seen above, § 123, note 8. Flagellants were discovered and punished in Sangerhausen, A.D. 1414 and 1454; in Nordhausen, 1446; in Anhalt, 1481. See Forstemann, *die Christl. Geisslergesellschaften*. Halle, 1828, s. 163 ff.

lation. J. A. Helfert, *Hus u. Hieronymus*. Prag., 1853. Bonnechose, Gerson, J. Huss et le Concile de Constance, 2. 8. Par. 1853. G. A. Lüders, *Johann Huss, eine Biographie*. 8. 1854. J. Huss, *Predigten über d. Sonntagevangelien*, aus d. Böhmischen, von Dr. J. Norostny. Heft, I.—iii. Görlitz. 1855. Die reformirte Theologie ds. Huss, Schwabe in Darmstadt. Theol. Bl. 1851. 2. Horst, *De Hussi Vita*, etc. Amst. 1837. Huss and his Writings, *Presb. Quarterly Review*, September, 1856. *Life and Letters of Huss*, *North American Rev.*, vol. lxx. *Life and Times of Huss*, *Meth. Qu. Rev.*, iii.]

John Huss of Hussinecz, master of the liberal arts, and teacher of theology at Prague, from 1402 preacher in the Bethlehem chapel,<sup>1</sup> and confessor to Queen Sophia, trod zealously in the footsteps of Conrad Stiekna, John Milicz, and Matthew of Janow, in the cause of morality and inward piety. By means of Wycliffe's works, which were then diffused as far as Prague, Huss was won over to the side of Augustine in theology, and to realism in philosophy.<sup>2</sup> True, he did not adopt all Wycliffe's peculiar doctrinal opinions,<sup>3</sup> but he derived from him a deeper insight into the errors of

<sup>1</sup> This chapel was founded, in 1391, by John of Mühlheim, and the merchant Kreuz, (Pelzel's *Lebensgesch. des Königs Wenceslaus*. Th. 1, Prag., 1788, s. 248): Their intention is thus expressed in the deed of foundation (Ibid. *Urkundenbuch*, s. 102 ff.): Ego Johannes de Milhem provida consideratione pensans, et animae meae salutem, multorumque Christifidelium spiritualem refectionem desiderans, quomodo in civitate Pragensi, licet multa sint loca ad divinos cultus ordinata, nihilominus tamen eadem per plurimos alios sacros actus occupantur pluries, sic quod nullus locus ad privilegiatum praedicationis verbi Dei officium sit ibidem specialiter deputatus, sed praedicatorum ipsi, specialiter vulgaris Boemici eloquii, plerumque per domos et latebras coguntur, quod non congruit, divagari, quemadmodum saepius notabiliter est compertum: hac igitur consideratione permotus, et ad dictae praedicationis sanctae incrementa procuranda attentius animatus—Capellam in honore ss. Innocentium in area providi viri Crucis, civis majoris civitatis Pragensis, quam idem Crux—ad id pie donavit,—quam Bethlehem, quod interpretatur domus panis, censui appellandam hac consideratione, ut ibidem populus communis et Christifideles pane praedicationis sanctae refici debeant,—decrevi et disposui erigendam.

<sup>2</sup> Aeneas Sylvii *Hist. Bohem.*, c. 35: Rexerunt scholam Pragensem usque in ea tempora Teutones. Id molestissimum Bohemis fuit, hominibus natura ferocibus atque indomitis. Ex quibus vir quidam genere nobilis, ex domo quam Putridi piscis vocant, apud Oxoniam Angliae civitatem literis studens, cum Johannis Wyclevi libros offendisset, quibus de realibus universalibus titulus inscribitur, magnopere illis oblectatus, exemplaria secum attulit (about the year 1402). Inter quae de civili, de jure divino, de Ecclesia, de diversis quaestionibus, contra Clerum pleraque volumina, veluti pretiosum thesaurum, patriae suae intulit. Imbutus jam ipse Wiclevitarum veneno et ad nocendum paratus, tum quod erat familiae suae cognomen, putridum piscem i. e. foetidum virus in cives suos evomuit. Commodavit autem scripta, quae attulerat, his potissime, qui Teutonicorum odio tenebantur. Inter quos Johannes eminuit, obscuro loco natus, ex villa Hus, qui anserem significat, cognomen mutuatus. Hic cum esset ingenio peracri, et lingua diserta, multumque dialecticis oblectaretur, et peregrinas opiniones amaret, avide admodum Wyclevitarum doctrinam arripuit, eaque Teutonicos vexare magistros coepit, sperans eo confusos Teutones scholas relicturos.

<sup>3</sup> Thus he still teaches, in his *Tract. De Corpore et Sanguine Domini*, which he wrote in prison at Constance (*Hist. et Monum.*, i. p. 47), the orthodox doctrine of transubstantiation, and asserts expressly, *c. p.* 2; that he had always maintained this doctrine. Compare also his confession of faith below, note 12. In his *Responsio ad scripta Mag.*



the Church, and was strengthened in his zeal for truth and morality. Accordingly, he recommended and disseminated his works,<sup>4</sup> and contracted a close friendship with the most zealous of his admirers, Jerome Faulfisch, commonly called Hieronymus Pragensis. But by so doing he incurred the enmity of the numerous German teachers at the University of Prague, who were in a body nominalists, and opponents of Wycliffe. After Huss had already won reputation as an impressive moral preacher to the people, he began, as a speaker in the synods, to inveigh against the corruption of the clergy.<sup>5</sup> The accidental circumstance, that

Stephani Paletz, he says (Hist. et Monum., i. p. 330): Ego enim fateor, quod sententias veras, quas M. Joan. Wicleff—posuit, teneo, non quia ipse dicit, sed quia divina scriptura, vel ratio infallibilis dicit. Si autem aliquem errorem posuerit, nec ipsum, nec quemcumque alium intendo in errore, quantumlibet modice, imitari.

<sup>4</sup> Aeneas Sylvius, l. c., on Huss's influence as a preacher in the Bethlehem chapel, says: Qui cum se libenter audiri animadverteret, multa de libris Johannis Wyclivi in medium attulit, asserens in eis omnem veritatem contineri, adjiciensque crebro inter praedicandum, se postquam ex hac luce migraret, in ea loca proficisci cupere, ad quae Wyclivi anima pervenisset, quem virum bonum, sanctum, caeloque dignum non dabitaret. In 1408, Stephanus, Cartusiae Dolanensis Prior, wrote his *Medulla Tritici a. Antiwikleffus*, in Pezli Thes. Anecdotorum, t. iv. P. ii. p. 149 ss., against the Wycliffite errors which were spreading abroad, but without mentioning Huss; comp. p. 157: Audi vi crebrius, et quadam apostatica lectione cujusdam dialogi et trialogi (see above, § 125, note 21), didici et obstupui, qualiter quidam insani Magistri et homines pestiferi Wicleffitici ordinis et schismatis, canina rabie concitati, cursu praecipiti, profanis et sacrilegis sententiis, et arte diabolica confectis articulis, s. matris Ecclesiae, magisterio S. Spiritus bene et optime dispositum, ritum et ordinem dedecorant et commaculant; et ausu temerario fabulationes nequissimas sic impudenter in medium proferunt, ut non solum post discursum peregrinarum nobis terrarum et districtum, etiam in terris nostris Bohemiae et Moraviae, aulas Principum, collegia et cathedras sacerdotum, scholas studentium, promiscui sexus popularem tumultum fidelium, antra deserti claustralium, sed etiam segregatas in partem et pacem silentii Cartusiensium cellulas tuba illorum ululans et pestifera, muros et bonos mores transgrediens, cum terrore valido repleverit vehementer. That doubts with regard to transubstantiation were spread by Wycliffe's writings is evident from the charge of Sbynko, archbishop of Prague, A.D. 1406 (l. c. p. 158), in which he directs the clergy to preach the doctrine of transubstantiation, with the threat: qui aliter—dogmatizare auderet,—haereticus esset, et talis per nos taliter puniretur, quod et aliis merito poterit cedere in exemplum. Stephanus accordingly advocates this doctrine at length in his *Medulla Tritici*, p. 1.

<sup>5</sup> Compare the *Conciones Synodicae*, in the Hist. et Monum., ii. p. 84, e. g. p. 87: Sed dicite, o Clerici, si non durius dominamur cum Christianis, quam Reges gentium dominantur eorum? Ecce occurrit Laicus, aliquid molestiae, vel apparentis quandoque injuriae nobis faciens; statim abutendo privilegio clericali ex impatientia et arrogantia, saepius verbo, et frequenter facto dicimus: *citabo, vexabo, compescam ribaldum, deducam super eum acutum gladium spiritualis potestatis*, et si pauper incautus sententia excommunicationis percussus fuerit, gaudemus et gloriamur. Et tantum eos, non ex caritate et amore justitiae, sed ira et zelo vindictae dirae dominando opprimimus, quod etiam malum proverbium contra nos confinxerunt dicentes: *si offenderis Clericum, interfice eum; alias nunquam habebis pacem cum illo.*—Sed dicite ulterius vos Clerici, ubi practicatis,—quod qui major sit in vobis, sit sicut minor, et qui praecessor, sicut ministrator? (Lac. xxii. 26.) Numquid quis amatis primas cathedras in synagogis, primos recubitus in coenis,

the miserable King Wenceslaus, who from enmity to Pope Boni-

salutationes in foro, et Patres, Magistri, aut Domini ab hominibus appellari? Numquid quia plus amatis post se clientem cruentatum cum gladio, quam Clericum humilem cum libro? Numquid quia quasi nihil de veris divitiis spiritualibus Ecclesiae curatis, sed totis curis et consiliis bonis temporalibus inhiatis? Numquid quia beneficia et officia ecclesiastica quaeritis, ut non serviatis in eis fideliter, sed ut per illa dominemini vi, et vivatis gentiliter?—Vel utrum in hoc, quia gloriamini—in frequentia clientelae, in equorum pluralitate, in aedificiis superfluis, in multa supellectile, in congregatione pecuniae, in pauperum exactione, in contemptu pauperum et humilium, in veneratione divitum et superbiorum, in veridicorum despectione, in adulatorum amatione, et breviter in qualibet gloria et altitudine saeculari? Heu in hac magna injuria et offensa Christi Dei et suae regulae sol, Praelatus major, conversus est in tenebras, et luna, minor, in sanguinem. Et secundum b. Bernhardum, et alium Doctorem Gilbertum factum est in Clero abominabile monstrum super terram. Gradus summus, animus infimus; sedes prima, vita ima; lingua magniloqua, manus otiosa; sermo multus, fructus nullus; vultus gravis, actus levis; ingens auctoritas, nutans stabilitas; speculator coecus, praeco mutus, pugil mancus, praecursor lentus, medicus morbi ignarus. Et quia simile generat sibi simile, hinc est quod in quatuor temporibus multi scientiis nulli, et in moribus valde distorti ad sacros majores ordines promoventur, et fit tanta dehonestatio Cleri, quod sacerdotes vicarii a suis Plebanis longe ultra concubinas in servitum et despectum rediguntur, fit in se dedecus Clero, ut etiam in temporalibus bonis per sacerdotes furta et latrocinia multa, et mala consilia cumulentur, sicut vos ipsi testimonium potestis perhibere. P. 88: Nunc igitur vos, sacerdotes, attendite, si non sunt inter vos consecrata vasa Deo abominabilia supra modum. Sunt namque multi ex vobis, Praelati, Canonici, Plebani, et alii Presbyteri, qui mulierculis contuntur, velut idola colunt, ardent in desiderio et amore illarum: vexantur lascivia, et libidine turpi vincuntur multi, multi Plebani concubinarij fornicantur cum talibus corporaliter, quod in multis locis animalia gradientia super terram aperte demonstrant. O sacerdos, vas immundum, noviter ante cum scorto foedatum, et adhuc adulterina voluntate illi conjunctum, aures sic in te capere sacramentum omni decore et suavitate repletum? Quomodo non times, quod ira Dei super te descendente statim confringaris cum Oza, qui ad tactum temerarium arcae domini statim percussus et mortuus est (2 Sam. v. 6, 7). Quis potest aestimare, quantum consecrata vasa concubinaria Clericatum hujus dioecesis dehonestant? Unde Dominus noster Archiepiscopus debet, quantum potest, rationabiliter etiam usque ad mortem laborare, et se exponere, ut sua illa vasa Deo consecrata a turpitudine concubinaria purgarentur, et cum ipse habeat ignem carceris et purgationis, et ministros sufficientes, debet ipse talia sua immunda vasa, quae per se purgari nolunt, igne illo carceris mandare purificari efficaciter et sufficienter. Sunt ulterius multi de vobis, qui crapula et ebrietate ultra Laicos turpiter maculantur, vadunt cum baculis ad tabernam, sicut Laici ad limina Sanctorum, et cum inde redeunt, male possunt ambulare, minus loqui, et minime tunc scire possunt, quid eorum dignitas sacerdotalis requirat. Ditiores eorum de elemosyna frequentant ad invicem invitatos ad convivia, ubi cibus et potus in quantitate plures et majores, in substantia magis pretiosi, et in qualitate delicatioris, quam apud cives et nobiles apponuntur. Ubi Christus cum sua passione est proscriptus, sed carne spumante in libidine de mulierculis et factis venereis verbis impudicis colloquia consummantur, etc. Sermo synodalis, ann. 1405, p. 42, against the fornicatio Cleri, also against the excuse, quod non sit peccatum mortale simplex fornicatio (see Conc. Paris, ann. 1429, c. 2, above, § 189, note 10); afterward, p. 43, against the avaritia Cleri. E. g. Quod detestabilissimum est, religiosi possessionati, qui a vulgo vocantur divites sive pingues Domini, Monachi, ex avaro fundamento fraternitatis fabricant literas, quibus magnificant sua opera contra illud Salvatoris (Luc. xvii. 10): *cum feceritis omnia, quae praecepta sunt vobis, dicite, servi inutiles sumus*. Illas autem literas solum tribuunt divitibus, facientes eos participes suorum operum, ut inclinati eorum conventibus, ventres et buccas rubentes reficerent, impleverent marsupia, et praedia augmentarent. P. 45: *usuras exercent, negotiatores sunt, confessiones produunt, taxillis ludunt*. Ecclesias

face IX. was enraged against the clergy in general, looked with favor upon these invectives,<sup>6</sup> helped him but little: the number of his enemies was thus increased, and it extended even into foreign countries, when he, in connection with Jerome of Prague, at the head of the Bohemian nation, had effected an enlargement of its privileges in the University of Prague, and thereby occasioned the departure of the Germans from this University (1409).<sup>7</sup> Huss now stood at the head of the theologians of Prague, and as

ut otiuntur conveniunt, exinde rixas procurantes populi turbativas, filios spiritualiter suffocant, carnaliter generant,—spiritualem aedificationem, quae salvat animas, nihil curant. Sed ut augmentent censum, aut divitias, ex quibus eorum posteri luxuriantur et superbiunt uberius, optime se facere existimant, et pro eis subditos avare inductunt, ut etiam filiis praetermissis, parentibus et consanguineis pauperibus, pro ipais abundantibus ordinent testamenta.—Et quid de Altaristis, Capellanis, et monstruosis Monachis, qui cum multa jam dicta exerceant, et choreas intrant publicas ducti patre Diabolo, etc.—Sermo de exequiis mortuorum, ann. 1411, p. 81: Videat ergo defunctorum beneficiarius, quid est sibi utilius, quid est Ecclesiae commodius, aut quid Deo honorificentius, et faciat illud pro mortuis, tanquam eis salubrius. Unde opus, quod maxime purgaret militantem Ecclesiam a crimine, ac stabiliret ipsam in mandatis Domini, et accenderet in amore Dei: illud foret opus maxime juvans dormientem Ecclesiam, quia militans purgata a peccato, stabilita in mandato, et in amore Dei accensa, ut sic, maxime succurreret Ecclesiae dormienti. Ex quo videtur, quod Evangelizatio sancta, sic, ut dicitur, disponens militantem Ecclesiam multum praestat suffragium Ecclesiae dormienti. Istud autem Satan considerans, maxime nititur Evangelizationem extinguere, et sophisticans tam sacerdotes, quam simplices, ducit utrosque in Charibdim: Clericos in avaritiam per venditionem triginta Missarum de Requiem, et laicos in praesumptuosam confidentiam, et emptionem simoniacam earundem. Jam enim in illis committitur taxa, sicut in vaccis, dum emuntur. Sic enim scit astutus hostis animaram fascinare homines, ut via praetermissa ad vitam securissima, incumbant super dubia. Quis enim ignorat, quin via securissima ad vitam est, vivere, ut Christus et Apostoli docuerunt? Et quis scit, quem triginta Missae a purgatorio liberarunt?

<sup>6</sup> An old Bohemian Chronicle (Contin. Benessii ab Horzowitz, in Pelzel's *Lebensgesch. des Königs Wenzel*, Th. 2, s. 553 f.) relates that so long as Huss censured the sins of the laity he was praised on all sides: "man sagte, der Geist Gottes spricht aus ihm: So bald er aber den Papst, die hohe und niedere Geistlichkeit angriff, ihren Stolz, Habsucht, Simonie, und andere Laster rügte, und dass sie keine Güter besitzen sollten, predigte; so stand die ganze Priesterschaft wider ihn auf, und sprach: er hat den Teufel im Leibe, und ist ein Ketzler." When, however, Archbishop Sbynko complained of this to King Wenceslaus, he answered: "So lange der Magister Huss wider uns Laien predigte, habt ihr euch darüber gefreuet; jetzt ist die Reihe an euch gekommen, so möget ihr es auch zufrieden sehn."

<sup>7</sup> See Pelzel, in the work quoted above, s. 543 ff., 547 ff. The royal ordinances of 18th January, 1409, by which—ad instar ordinationem, qua gaudet natio gallica in Universitate studii Parisiensis, tres voces—were assigned to the Bohemian nation, instead of one as hitherto, while the German nation had three, may be seen in Pelzel, Th. 2, *Urkundebuch*, s. 125. As the city of Prague lost much of its trade in consequence of the departure of the Germans, the clergy could more easily rouse the inhabitants against Huss: see Hussii *Sermo Synodalis*, ann. 1410 (*Hist. et Monum.*, ii. p. 72): tacti veritate insistant graviter, ut opprimant os praedicantium, insidias quaerunt, et non invenientes mendacium in ore praedicantium, veritatem accusant mendaciis, nunc dicentes, quia Magistri per adhaesione errorum expulerunt nationes exterarum, nunc mentientes, quia de corpore Christi male sapiunt, nunc false imponentes, quia Papam nihil esse dicunt.

a preacher exercised an uncommon influence over the people. In order to work his overthrow, Sbynko, archbishop of Prague, procured from Alexander V. full powers to forbid preaching in private chapels, and to consign Wycliffe's works to the flames (1410).<sup>8</sup> As Huss nevertheless continued to preach in the Bethlehem chapel,<sup>9</sup> he was accused at Rome. However, the King and Queen, the nobility and the University, took up his cause, and obtained a reconsideration of the excommunication which had immediately ensued,<sup>10</sup> while Huss endeavored in several writings to defend himself as well as Wycliffe.<sup>11</sup> At length the universal opposition induced also the archbishop Sbynko to revoke his accusation of heresy.<sup>12</sup>

<sup>8</sup> Alexander V.'s bull of 20th December, 1409, in Raynald. h. a. no. 89. On the Archbishop's conduct, Penzel, *ibid.* s. 565 ff.

<sup>9</sup> See Huss's appeal from the proceedings of the Archbishop to the Pope John XXII., *Historia et Monum.*, i. p. 112 ss. The University also determined, 15th January, 1410, quod Universitas nullo modo consentit Archiepiscopo Pragensi Sbinconi cum suis Prae-latis in combustionem librorum Magistri Johannis Wiclef. Penzel, Th. 2, Urkundenbuch, s. 130.

<sup>10</sup> *Narratio et Scripta quaedam rev. Viri M. J. Huss, quibus occasiones, initia et progressus certaminum ipsius cum factione Pontificia explicantur*, in *Hist. et Monum.*, i. p. 109 ss. Penzel, Th. 2, s. 577 ff., 585 ff., 591 ff.

<sup>11</sup> See Jo. Huss, *De Libris Haereticorum legendis* (*Hist. et Monum.*, i. p. 127), authorities for the statement: libri haereticorum sunt legendi non comburendi, dum in ipsis veritas continetur. Also, his *Actus pro Defensione Libri Jo. Wicleff de Trinitate Sancta publice celebratus*, ann. 1410, Dom. post fest. S. Jacobi (l. c. p. 181), e. g. p. 182: *Malum dico combustionem librorum, quae combustio nullum peccatum de cordibus hominum sustulit, sed veritates multas, et sententias pulchras et subtiles in scripto destruxit, et in populo disturbia, invidias, diffamationes, odia multiplicavit et homicidia, et Christianissimum Regem Bohemiae in suspicionem malam regionibus aliis stulte et improvide deputavit. Et super haec omnia concausans pariter contra Trinitatis testimonium verbum praedicationis evangelicae voluit alligare.* Also, his *Replica contra Anglicum Jo. Stokes, Wicleffi calumniatorem, celebrata Dom. post Nativ. Mariae, 1411* (p. 135). *Defensio quorundam Articulorum Jo. Wicleff, ann. 1412* (p. 189). First comes a defense of the article: Illi, qui dimittunt praedicare, sive verbum Dei audire propter excommunicationem hominum, sunt excommunicati, et in die iudicii traditores Christi habebuntur. Then of the second (p. 146): Domini temporales possunt ad arbitrium suum auferre bona temporalia ab Ecclesiasticis habitualiter delinquentibus. Of the third (p. 156): Decimae sunt purae eleemosynae. Jo. Hussii *Replica contra Occultum Adversarium*, ann. 1411 (p. 168).

<sup>12</sup> How enraged the people of Prague were against the Archbishop, see Stephani Prioris Dolanensis *Antihussus* (written in 1412), c. 16; in *Pezii Thes. Anecd.*, t. iv. P. ii. p. 418: Reverendus Pater, Dominus Archiepiscopus olim Sbinco, sancto insistens labori pro illorum malorum et principaliter pro illius venenati capitis malorum Wicleff et ejusdem sacrilegarum doctrinarum exterminio, factus fuit ex inobedientia et rebellionem illius Magistri Huss velut contemptibilis et pene fabula in populo, ita ut plerique insolentes vulgares ac ironicas de eodem viro Dei confingerent et decantarent cantiones (*Sbynyek Knyhy spalyi*, etc., more fully in Penzel, ii. s. 568: Archbishop Sbynko, a scholar still in his alphabet, has burned books, without knowing what was written in them), publice per plateas contra justissimam—combustionem librorum hominis istius haereti-

But afterward, when Huss, with his friend Jerome of Prague, felt himself compelled by the Papal crusade-bull issued against

caae pravitatis. Both the contending parties, Huss and the Archbishop, came to an agreement, in July, 1411, that they would submit to a court of arbitration appointed by the King (Pelzel, ii. s. 585 ff.); this court came to this decision among others, that the Archbishop should report to the Pope that no errors prevailed in Bohemia. Huss purged himself from all suspicion by a confession of faith which he made on the first of September (see in Pelzel, ii. Urkundenbuch, s. 144 ff.). In this he makes the following among other statements—*fidenter, veraciter et constanter assero, quod a veritatis aemulis sinistrae sedi Apostolicae sum delatus: false siquidem detulerunt et deferunt, quod docuerim populum, quod in sacramento altaris remanet substantia panis materialis. False, quod quando elevatur hostia, tunc est corpus Christi, et quando ponitur, tunc non est. False, quod sacerdos in peccato mortali non conficit. False, quod Domini a Clero auferant temporalia, quod decimas non solvant. False, quod indulgentiae nihil sunt. False, quod gladio materiali suaserim Clerum percutere. False, quod praedicaverim vel tenuerim aliquos vel aliquem errores vèl errorem, vel aliquam haeresim, vel quod seduxerim a via veritatis populum quoquo modo. False, quod causa extiterim, quod quidam Magistri Teutonici expulsi de Praga fuerint, cum ipsi nolentes almae Universitatis studii Pragensis tenere fundationis privilegium, nec serenissimi Principis—Wenceslai—Regis volentes parere mandatis licitis, putantes, quod absque eorum praesentia non valeret Pragensis Universitas subsistere, nullo pellente ad propria vel quo ipsis placuit recesserunt. Fateor autem me a reverendissimi in Christo Patris Domini Sbynkonis sententia ad sedem appellasse Apostolicam, demum a processibus, qui ex informatione sinistra a s. sede Apostolica emanarunt. Sinistre etenim veritatis aemuli, honoris sui et salutis immemores sedi Apostolicae suggesserunt, quod in regno Boemiae in civitate Pragensi et Marchionatu Moraviae errores pullulassent et haereses, et multorum corda infecissent adeo, quod—necessarium foret correctionis remedium adhibere. False denique suggesserunt, quod Capella Bethlehem foret locus privatus, cum ipsa sit ab ordinario Episcopo locus in beneficium ecclesiasticum confirmatus, cujus destructio honorem Dei aliquantum in populo tolleret, animarum profectum minueret, causaret scandalum, et populum contra destructores non modice provocaret. Citatus autem personaliter ad Romanam Curiam, optabam comparere humiliter: sed quia mortis insidiae tam in regno quam extra regnum, praesertim a Teutonicis sunt mihi positae, ideo multorum fretus consilio judicavi, quod foret Deum tentare vitam morti tradere profectu Ecclesiae non urgente. Igitur non parvi personaliter, sed advocatos et procuratores constitui, volens sanctae sedi Apostolicae obedire. Quapropter, summe Christi Vicarie, humiliter vestrae Sanctitatis imploro clementiam, quatenus me a comparitione personali—benigniter absolvere dignetur, quia per Serenissimum—Wenceslaum—Regem, necnon per Reverendissimos Patres—Wenceslaum Patriarcham Antiochenum, Dominum Conradum Olomucensem Episcopum, Illustrem Principem Dom. Rudolfum Ducem Saxoniae s. Imperii Electorem, etc.—cum praefato reverendissimo in Christo Patre Domino Sbynkone sum totaliter concordatus; nam offerebam me ad respondendum omnibus et singulis objiciendis, etiam referens me ad totum auditorium, quod, si quid contra me deduceretur, vellem etiam ignis incendio nisi cederem emendari, etc. The Archbishop Sbynko wrote a letter to the Pope, which the King approved, in which he declared (Hist. et Monum., i. p. 111): *Errores haereticos in Regno Bohemiae, in civitate Pragensi, et Marchionatu Moraviae nescio, nec aliquis super hac re convictus est, pro qua foret aut fuisset ecclesiasticae puniendus. Ego etiam et Magister Joannes Huss, necnon caeteri Universitatis Studii Pragensis Doctores et Magistri super singulis dissensionibus atque rixis inter nos utrumque subortis—sumus plenarie concordati. Quapropter, beatissimo Pater, famam praedicti Regni laudabilem ex pastoralis officio conservare desiderans, ad Vestrae Sanctitatis clementiam confugio, supplicando, quatenus super Christianissimo regno S. V. piis dignetur moveri visceribus, excommunicationem et censuras exinde ortas cessare et annullare. But this letter was never sent, for Sbynko died on the 28th September, 1411.**

King Ladislaus in 1412,<sup>13</sup> to protest with greater zeal than before against indulgences and other ecclesiastical abuses,<sup>14</sup> and when

<sup>13</sup> See § 130, note 20. The bull of indulgence, and another by which commissioners were appointed to preach the crusade and indulgences, may be seen in *Hist. et Monum.*, i. p. 212 ss.

<sup>14</sup> *Quaestio Mag. Jo. Huss, disputata ab eo, ann. 1412 (Hist. et Monum., i. p. 215), a treatise on the question: Utrum secundum legem Jesu Christi licet et expedit pro honore Dei, et salute populi, ac pro commodo regni bullas Papae de erectione crucis contra Ladislaum Regem Apuliae et suos complices Christifidelibus approbare? He treats three points in the Bulla de erectione crucis, indulgentiam omnium peccatorum, subsidia bellorum, et circa utraque ista modum. With regard to the first, p. 216: est indulgere gratis concedere,—sive remittere vindictam, quam reus deberet pro excessu sustinere.—Sic autem indulgere peccatoribus est Deo proprium.—Sacerdotes Christi habent potestatem vere poenitentes absolvere a poena et a culpa.—Sacerdos potest sacramentaliter ostendere, sibi confitentem taliter absolutum, qui ad tantum coneritur, quod statim decedens sine poena purgatorii ad patriam perveniret, et hoc est sacerdotum absolvere.—P. 217: Unde sapientes Christi sacerdotes non asserunt simpliciter, quod confitens sit a peccatis solutus, sed sub conditione ista: si dolet, et nolit peccare amplius, et confidit de Dei misericordia, et vult imposterum mandata Dei observare.—Nullius Papae vel Episcopi prodest indulgentia homini, nisi de quanto prius se disposuerit apud Deum. With regard to the second: Licet saeculari brachio pugnare, et sibi subsidia ad bellandum praestare, habitis conditionibus caritatis.—Non licet Romano Pontifici, nec expedit sibi, vel cuicumque Episcopo vel Clerico pro dominatione saeculari, vel mundi divitiis pugnare. Compare the example of Christ, Luc. xxii. 51.—P. 218: Quomodo ergo Romanus Pontifex non timet in multorum hominum mortem per crucis erectionem et procuracionem stipendii consentire, immo praestare remissionem omnium peccatorum ex eo, quod quis Christianos quam plurimos trucidaret? Revera non cepit exemplum illum a Christo Jesu, qui invasus ab hostibus cum suo grege posillo, valens omnes uno verbo interimere, dixit patientissime, Jo. xviii. 8: *si me quaeritis, sinite hos abire.* P. 219: Litteris Papae de crucis erectione contra Christicolos quidam obediunt ex ignorantia, ut Laici simplices, et omnes illi, qui in nullo putant resistendum jussioni Papae, male accipientes illud, Deut. xvii. 10–12. Ubi capiunt, quod omnis sententia Papae est tenenda, quod, inquit Doctor de Lyra, est manifeste falsum, quia sententia, inquit, nullius hominis, cujuscunque auctoritatis, tenenda est, si contineat manifestam falsitatem sive errorem. P. 220: Videamus, si Salvator noster in casu simili ita fecit, et patebit in lege sua contrarium. Nam Luc. ix. 51 ss. dicitur: *Ipse Jesus faciem suam firmavit, ut iret in Hierusalem, et misit nuncios ante conspectum suum, et euntes intraverunt civitatem Samaritanorum, ut praepararent illi, et non receperunt eum, quia facies ejus erat euntis in Hierusalem. Jacobus et Joannes dixerunt: Domine, vis, dicimus, ut ignis descendat de caelo, et consumat illos, sicut Helias fecit. Et conversus increpavit eos dicens: nescitis, cujus spiritus estis. Filius enim hominis non venit animas hominum perdere, sed salvare.* Videat ergo Papa, cur personas utriusque sexus in exterminium, non dico Samaritanorum, sed Christianorum concitat sub obtentu remissionis peccatorum omnium: et non datur per eum alia causa, nisi nonsolutio pecuniae vasallatus Ladislai, et nonsusceptio ejus pro patre sanctissimo, ac rebellio et hostilis impugnatio, sicut sui nuncii et bullae protestantur. P. 221, in the *Modus donationis indulgentiarum*, the following points are censured, that all persons were placed under excommunication who should allow Ladislaus and his followers to find Christian burial; that all faithful men were summoned, ut ad Ladislai et sequentium rebellium exterminium se accingant; that the indulgence was also promised in return for support in money and so on. P. 228: *Res corporalis quantumcunque parvi pretii non debet emi, nisi cum ista prudentia, quod emptor de vendito probabiliter sit securus. Sed Papa non potest assecurare aliquem, quod post mortem vel ante tantam indulgentiam habeat. Ideo probabiliter est tale commercium dimittendum. Papa enim subducta revelatione nescit de aliquo, nec de se ipso, si sit praedestinatus a Domino: quod si praecitus fuerit, non proderunt sibi tales indulgentiae ad beatitudinem contra ordinationem**

he had stirred up the people to the highest pitch of anger against the evil,<sup>15</sup> then nothing could appease the Papal indignation any

Domini aeternaliter ordinantis. Ideo cum Papa non potest generaliter procurare tales indulgentias sibi ipsi, est multis evidens, quod tales indulgentiae sunt suspectae: non enim obstat fidei, quod multi Papae, qui concesserunt verbaliter amplas indulgentias, sunt damnati: quomodo igitur possunt defendere suas indulgentias coram Deo? P. 229: Postis indulgentiis papalibus a poena et a culpa, ut praemittitur, videtur, quod potest Papa purgatorium destruere. Probat. Quia potest Papa quemlibet in agone contritum et confessum a poena et a culpa absolvere, et cuilibet potest dare illam gratiam post se in futurum, et non obstat aliquid, nisi forte invidia vel negligentia. Det ergo cuilibet in futurum, et dato illo nullus veniet ad purgatorium, quo dato omnes vigiliae, missae defunctorum, oblagia, largae elemosynae, anniversaria, omnia alia suffragia, et commemorationes perpetuae, dotationes Capellanorum, extrucciones claustrorum et altarium, pro hujusmodi hominibus forent frustra.—Sed istud consequens Clerum non modice conturbaret. Unde vel oportet eos negare habere potestatem hujusmodi ad dandum sic indulgentias, vel incidere in consequens jam indictum. Si autem dicitur, quod licet habet potestatem dare Papa sic indulgentias, non tamen debet, nisi ex causa rationabili, scilicet quando impugnatur, vel indiget pecuniis: revera orandum erit fidelibus, ut impugnetur, et indigeat pecuniis, quia tunc thesaurum Ecclesiae fidelibus aperiet ad salutem. P. 232: the words of Jeremiah apply, c. vi. 13, and c. viii. 10: *a minimo usque ad maximum omnes avaritiae student, et a Propheta usque ad sacerdotem cuncti faciunt dolum*. Omnes enim datores indulgentiarum, quaestores de voto, et praedicatores erectionis crucis student mirabiliter avaritiae, omnem sollicitudinem Diaboli cauteleas apponentes, nunc praedicando, quod summa venit populis gratia, nunc quod coelum est eis apertum, nunc quod progenitores possunt per illas indulgentias redimere, nunc quod qui negligit tantam gratiam, perdit vitam aeternam, nunc literas absolutionis care vendendo, nunc peregrinationem debitam ex voto pecuniis et alia vota compensando. Huss also wrote, Contra Bullam Papae Jo. XXIII. Replica, l. c. p. 235, in which he concisely exposes ten *inconvenientia* in it. E. g. Praedicandum est ergo populo, ut promulgatione indulgentiarum non seducantur, quia indulgentiae nihil valent, sicut nec aliud bonum opus ad consequendam beatitudinem, nisi homo relinquat peccatum, dolens de praeterito, et cavens finaliter, diligenter et continue de futuro. Si enim de omnibus peccatis poenitentiam egerit, et mandata Dei custodierit, omnium peccatorum remissionem et poenae aeternae obtinebit.—Item praedicandum est ipsi populo, ut caveat, ne per reliquias spoliatur: quia sanctorum reliquiae non sunt pro exquirendis pecuniis exponendae.—Item praedicandum est populo, ne in confessionibus permittat se simoniace spoliare per taxam, vel per injunctionem offerendi, vel missas comparandi, vel alio modo illicito.—Item praedicandum est illud Augustini, lib. 2, ad Julianum: non tollit peccata, nisi solus Christus.—Ex isto docendus est populus, ut credat, quod solus Deus habet mundare animam ab interiori macula, et quod nullus homo potest dimittere cuiquam peccata, nisi Deus prius dimiserit.—Et iterum docendus est populus, quod ad remissionem peccatorum requiritur poenitentia interior.—He also wrote *Opusculum de sex Erroribus* (l. c. p. 237), qui Clerum et magnam partem populi infecerant. These errors are: 1. quod cuilibet sacerdos missando creat corpus Christi, et efficitur pater et creator sui creatoris (viz., non creatur, sed in manibus sacerdotum conficitur. *Creator* is God alone); 2. quod credendum est in b. Virginem, vel in Papam, vel in Sanctos, cum tamen solum in Deum veraciter est credendum (credere homini, and in hominem, are two different things); 3. quod sacerdotes, cui volunt, possunt remittere peccata, et absolvere a poena et a culpa; 4. quod subditi debent suis superioribus in omnibus praecipis, licitis sive illicitis, obedire; 5. quod omnis excommunicatio, sive justa sive injusta, ligat excommunicatum, et nocet sibi, et separat eum a communione Christifidelium, et privat eum Ecclesiae sacramentis; 6. error simoniacae haeresis, qua Clerus est pro majori parte, proh dolor, maculatus.

<sup>15</sup> Theobald's Hussitenkrieg, s. 25. Pelzel's *Lebensgesch. des Königs Wenzel*. Th. 2, s. 608 ff. Jerome demeaned himself with the greatest violence; he had the bull fas-

longer. Wycliffe's works were condemned in a synod at Rome;<sup>16</sup> Huss was laid under excommunication, and the place where he resided under interdict (1413). Huss now appealed from the Pope to Christ himself,<sup>17</sup> composed in his defense the *Tractatus de Ecclesia*,<sup>18</sup> his principal work, then retired from Prague to

tened to an unchaste woman, carried through the town, and burned. Several of Huss's adherents contradicted in Church the preachers who announced the indulgence. When three men were executed on this account the disturbance increased still more (compare also on this point Stephani Prioris Dolanensis *Antihussus*, c. 5, in Pez, iv. ii. p. 380). The king Wenceslaus also was greatly enraged, and wrote a letter of remonstrance to the Pope (see this letter in Peizel's *Lebensgesch. des Königs Wenceslaus*, Th. 2, *Urkundenbuch*, s. 151) against the shamelessness of the promises and the avarice of the sellers of indulgences.

<sup>16</sup> *Mansi* xxvii., p. 505.

<sup>17</sup> See the appeal, *Hist. et Monum.*, i. p. 22.

<sup>18</sup> *Tractatus de Ecclesia* (*Hist. et Monum.*, i. p. 243). Cap. 1: *Ecclesia sancta catholica i. e. universalis est omnium praedestinationum universitas, quae est omnes praedestinati praesentes, praeteriti et futuri.* Cap. 2: *tripartitur, scilicet in Ecclesiam triumphantem, militantem et dormientem. Ecclesia militans est numerus praedestinationum, dum hic viat ad patriam.—Ecclesia dormiens est numerus praedestinationum in purgatorio patiens.—Ecclesia triumphans est beati in patria quiescentes, qui adversus Satanam, militiam Christi tenentes, finaliter triumpharunt. Una autem magna Ecclesia erit ex omnibus illis in die iudicii.* Cap. 3: *Sicut aliquid est in humano corpore, quod non est pars ipsius corporis, ut sputum, phlegma, stercus, apostema vel urina, et illud non est de corpore, cum non sit pars corporis; aliud vero est in humano corpore tanquam pars ejus, ut omne membrum ejus: sic aliquid est in corpore Christi mystico, quod est Ecclesia, et tamen non est de Ecclesia, cum non sit pars ejus, quomodo est omnis Christianus praescitus, de ipso corpore tanquam stercus finaliter egerendus. Et sic aliud est esse de Ecclesia, aliud esse in Ecclesia.—Quadruplex est habitudo viatorum ad sanctam matrem Ecclesiam. Quidam enim sunt in Ecclesia nomine et re, ut praedestinati obediunt Christo catholici. Quidam nec re, nec nomine, ut praesciti pagani. Quidam nomine tantum, ut praesciti hypocritae. Et quidam re, licet videantur nomine esse foris, ut praedestinati Christiani, quos Antichristi Satrapae videntur in facie Ecclesiae condemnare.—Dupliciter homines possunt esse de s. matre Ecclesia, vel secundum praedestinationem ad vitam aeternam, quomodo omnes finaliter sancti sunt de s. matre Ecclesia, vel secundum praedestinationem solum ad praesentem justitiam, ut omnes, qui aliquando accipiunt gratiam remissionis peccatorum, sed finaliter non perseverant.—Sicut Paulus fuit simul blasphemus secundum praesentem injustitiam, et de s. matre Ecclesia,—atque in gratia secundum praedestinationem vitae aeternae: sic Scarioth fuit simul in gratia secundum praesentem justitiam, et nunquam de s. matre Ecclesia secundum praedestinationem vitae aeternae.* Cap. 4: *solus Christus est caput universalis Ecclesiae.* Cap. 5: *Ecclesia malignantium est corpus Diaboli, cujus ipse est caput.* Cap. 6: *quod Romanus Pontifex cum Cardinalibus non sit totum corpus universalis Ecclesiae, sed pars, nec Papa sit caput, sed Christus.* Matth. xvi. 18, is here explained thus: *tu es Petrus, i. e. confessor Petrae verae, qui est Christus, et super hanc petram, quam confessus es, i. e. super me aedificabo ecclesiam meam.—Romana Ecclesia est totalis Ecclesia militans, quam Deus plus diligit, quam aliquam ejus partem.* Cap. 8: *credere, quod homini est ad beatitudinem necessarium, est veritati tanquam a Deo dictae sine haesitatione adhaerere firmiter. Pro qua veritate ratione certitudinis debet homo mortis periculo exponere vitam suam. Et isto modo tenetur quilibet Christianus credere explicitè vel implicitè omnem veritatem, quam s. Spiritus posuit in Scriptura. Et isto modo non tenetur homo dictis sanctorum praeter Scripturam, nec Bullis papalibus credere, nisi quod dixerint ex Scriptura vel quod fundaretur simpliciter in Scriptura. Sed potest*



Hussinecz, and here continued his labors, sometimes by preach-

opinative homo credere Bullis, quia tam Papa quam sua Curia potest falli propter ignorantiam veritatis. De illa enim verificatur, quod fallit et fallitur: fallit Papam lucrum, et fallitur propter ignorantiam. Cap. 9: Ex his patet, quomodo Christus est fundamentum Ecclesiae, et quomodo Apostoli sunt fundamenta. Christus antonomastice, quia ab ipso incipit, et in ipso finitur, et per ipsum finitur constitutio Ecclesiae. Prophetæ vero et Apostoli sunt fundamenta, quia ipsorum auctoritas portat infirmitatem nostram.—Solum Christus est caput,—Petrus non fuit nec est caput sanctæ Ecclesiae catholice,—fuit capitaneus inter Apostolos, et fuit fundamentum Ecclesiarum, ut in proximo dictum est de Apostolis.—Quare autem Christus Petrum post se capitaneum et pastorem constituit, fuit præeminentia virtutum ad regendam Ecclesiam.—Tres autem erant virtutes, in quibus Petrus præcellebat, fides, humilitas et caritas.—Si jam dictis virtutum viis incedit vocatus Petri vicarius, credimus, quod sit verus ejus Vicarius, et præcipuus Pontifex Ecclesiae, quam regit. Si vero vadit viis contrariis, tunc est Antichristi nuncius, contrarius Petro, et Domino Jesu Christo. Cap. 10: Cum Christus dicit Petro, *tibi dabo claves regni caelorum*, i. e. potestatem ligandi solvendique peccata, in persona Petri dixit toti Ecclesiae militanti, non quod quaelibet persona illius Ecclesiae indifferenter habeat illas claves, sed quod tota illa Ecclesia secundum singulas ejus partes ad hoc habiles habeat illas claves.—Non potest homo solvi a peccato, nec remissionem peccatorum recipere, nisi Deus ipsum solverit, vel ei remissionem dederit.—Unde vesane insaniunt Presbyteri, qui putant vel dicunt, se ad suum votum solvere vel ligare sine absolutione vel ligatione prima Christi Jesu.—Cavere ergo debet Christi discipulus a fallacia Antichristi, dum sic arguitur: quodcumque Vicarius Christi ligaverit super terram, erit ligatum et in coelis, sed hunc fidelem Laicum, nolentem sibi dare pro absolutione pecuniam, ligat supra terram, ergo ligatur in coelis:—sed hunc incontritum volentem dare pecuniam solvit supra terram, ergo est solutus et in coelo.—Nam quicumque homo rite poenitens solutus fuerit super terram a Christi vicario in terra, etiam solvitur in coelo.—Quilibet sacerdos Christi rite ordinatus habet potestatem sufficientem quaelibet sacramenta sibi pertinentia conferendi, et per consequens vere contritum a peccato absolventi.—Quomodo autem ista potestas fuit par in Apostolis, habetur Dist. 21, *in Cæ.* *In novo.*—Unde stultum foret credere, quod Apostoli nullum donum spirituale a Christo receperant, nisi quod fuerat a Petro ad ipsos simpliciter derivatum. Nam omnibus dixit, Matth. xviii. 18: *quaecumque solveritis super terram*, etc.—Cap. 11: Multi Sacerdotes emungunt ex illo, Matth. xviii. 18, et ex illo Christi dicto, Matth. xxiii. 2, 8—quod debet eis quilibet subditus in omnibus obedire, et sic ipsi sacerdotes quicquid sonat eis ad libitum in Christi Evangelio, sine correspondente caritativo ministerio, pro sua gloria clamorose sibi adscribunt. Sed quod sonat in laborem, in abjectionem mundialem, et in sequelam Jesu Christi, illud aspernantur, tanquam sibi contrarium, vel fingunt se id tenere, et non tenent.—Quia contra Cleri pestiferi crimina sacerdotes Christi prædicarunt, ideo orta est dissensio, ex eo quod Clerus pestem scandali inferens populo, nolens pati prædicationem suae pesti contrariam, contra Evangelium prædicantes et pestem eorum sanare volentes per verbum Domini malitiose volens prædicationem extinguere consurrexit.—Cap. 12: Huss next betakes himself to the refutation of a work issued against him by eight doctors of divinity at Prague, at whose head was Stephanus Paletz. They had appealed to the passage of the bull *Unam sanctam*: Subesse Romano Pontifici, omni humanae creaturæ est de necessitate salutis. To which he answers: Jesus Christus est Romanus Pontifex, sicut est caput universalis ac cujuscumque particularis Ecclesiae. Accordingly, not even the Apostles had called themselves—Papas sanctissimos, capita universalis Ecclesiae, vel universales Pontifices, therefore also Gregory the Great had pleaded so strongly against the latter expression (see vol. i., § 117, note 31). Non sic heu quaerunt moderni Pontifices, qui sine virtutum moribus, in nudo nomine gloriantur, fingentes, quod ratione officii vel dignitatis ecclesiasticae ipsis nomen competit sanctitatis. Sed si hoc haberet rationem, tunc Judas debuisset vocari sanctus Apostolus. Cap. 13: In this and the following chapters he betakes himself to the refutation of six statements of his opponents: I. Papa est caput s. Romanae Ecclesiae. II.

ing in the open fields,<sup>19</sup> sometimes by writing still in his former style.<sup>20</sup>

Meanwhile the Council of Constance was opened. Huss felt the less scruple about presenting himself before the council, in obedience to the summons of the Emperor Sigismund, because his orthodoxy was attested by all parties in Bohemia, even by the Papal inquisitor there;<sup>21</sup> and so, provided with a letter of safe-

Collegium Cardinalium est corpus s. Romanae Ecclesiae. III. Papa est manifestus et verus successor Principis Apostolorum Petri. IV. Cardinales sunt manifesti et veri successores collegii aliorum Apostolorum Christi. V. Pro regimine Ecclesiae per universum mundum oportet semper manere hujusmodi manifestos veros successores in tali officio Principis Apostolorum Petri, et aliorum Apostolorum Christi. VI. Non possunt inveniri vel dari supra terram alii tales successores, quam Papa existens caput et collegium Cardinalium existens corpus Ecclesiae Romanae. He first argues against them in general: Omnis veritas in religione Christi sequenda, et solum ipsa vel est veritas a sensu corporeo cognita, vel ab intelligentia infallibili inventa, vel per revelationem cognita, vel in divina posita Scriptura. But this is the case with not one of these six points: igitur nullus sex punctorum est veritas in religione Christi sequenda. The arguments against I. and II. amount to this, that Christ alone is the Head of the catholic Church, that popes and cardinals have not always even been *praedestinati*, and members of the Church. Cap. 15, against point V.: Ecclesia potest aequè bene regi a sanctis sacerdotibus, demptis illis duodecim cardinibus, sicut regebatur per trecentos annos et amplius post ascensionem Christi. Against point VI.: Christus est caput sufficientissimum.—Si non potest Deus dare alios veros successores (Apostolorum), quam sunt Papa et Cardinales; sequitur quod potentia Caesaris,—institueno Papam et Cardinales, potentiam Dei limitaret.—Nam Caesar Constantinus post annos trecentos Papam instituit. Romanus enim Pontifex fuit consocius aliis Pontificibus usque ad donationem Caesaris, cujus auctoritate coepit capitaliter dominari.—Oportet considerare sectam Cleri duplicem, scilicet Clerum Christi et Clerum Antichristi. Clerus Christi quietatur in suo capite Christo ac suis legibus. Clerus vero Antichristi vel totaliter vel praeponderanter innititur legibus humanis et legibus Antichristi, et tamen palliatur esse Clerus Christi atque Ecclesiae, ut populus simulatius seducatur.—Clerus Antichristi instat attentius pro traditionibus humanis, et pro privilegiis, quae fastum vel lucrum saeculi sapiunt, defendendis, vultque gloriose, voluptuose et Christo dispariter vivere, postergans penitus imitationem in moribus Domini Jesu Christi. Sed Clerus Christi laborat assidue pro legibus Christi et ejus privilegiis, quibus bonum spirituale acquiritur ostendendum, fugitque fastum et voluptatem saeculi, quaerit conformiter Christo vivere, attendens diligentissime sequelam Domini Jesu Christi. Cap. 17: Nec dubium, quin Papae et Cardinalibus est obediendum, dum docuerint veritatem juxta legem Dei:—si autem Rabbi, i. e. Magistri vel magni, ut dicit Lyra, seu Papae vel Cardinales, praeceperint vel docuerint aliquid praeter veritatem, etiam cum tota Curia Romana, non est fideli parendum, dum cognoverit veritatem. Cap. 18 is a justification of his opposition to the Pope. Cap. 19–21: when prelates are to be obeyed. Cap. 22 and 23 are on the injustice and illegality of the censures pronounced against Huss.

<sup>19</sup> Pelzel's Lebensgesch. des Königs Wenceslaus, Th. 2, s. 618 f.

<sup>20</sup> See the letters which he wrote during this period, Hist. et Monum., i. p. 117 ss. That the work, De Sacerdotum et Monachorum abhorrenda Abominatione, and some others, do not belong to Huss nor to this year, but to Matthias of Janow, see above, § 124, note 8.

<sup>21</sup> Huss, in several placards and published letters (see Hist. et Monum., i. p. 2), challenged any one who could, in Prague and throughout Bohemia, to convict him of a single heresy. The Papal inquisitor, Nicolaus Episc. Nazarethanus, assured him in

conduct from the Emperor,<sup>22</sup> he made his entrance into Constance on the third of November, 1414.<sup>23</sup> However, the prejudice already existing against him in the council as a realist, and the author of the expulsion of the Germans from Prague, was still farther increased by the tidings which arrived at the same time with him, that James of Misa, a parish priest at Prague, was again claiming the cup in the Lord's Supper for the laity. It was more generally thought that this innovation was to be ascribed to the Hussite heresy, as Huss expressed himself in favor of it.<sup>24</sup> But the more zealously the council worked for a reforma-

writing, that he was accused by no man, and declared before a notary and witnesses (l. c. p. 3): Ego multis et pluribus vicibus Magistro Joanni Hus conversatus sum, secum comedendo et bibendo, et sermonibus suis saepe interfui, ac collationes plures de diversis sacrae Scripturae materiis faciendo, nunquam aliquem in ipso inveni errorem vel haeresim, sed in omnibus verbis et operibus suis ipsum semper verum et catholicum hominem reperi.

<sup>22</sup> This may be seen in *Hist. et Monum.*, i. p. 2. The Emperor declares: honorabilem Magistrum Johannem Hus—in nostram et sacri Imperii protectionem recepimus et tutelam, and charges all persons in authority, ipsum—omni prorsus impedimento remoto transire, stare, morari et redire libere permittatis, sibi et suis, cum opus fuerit, de securo et salvo velit et debeatis providere conductu, ad honorem et reverentiam nostrae Majestatis.

<sup>23</sup> V. d. Hardt, *Conc. Const.*, iv. p. 11.

<sup>24</sup> Huss, being consulted on the point from Prague, before his imprisonment examined the question by Holy Scripture and the fathers of the Church. See *Hist. et Monum.*, i. p. 52 ss. His conclusion was: videtur quod licet et expedit Laicis fidelibus sumere sanguinem Christi sub specie vini. Nam licet corpus et sanguis Christi sit sub utraque forma sacramentali: tamen Christus non sine ratione, nec gratis instituit utrumque modum sacramentalem suis fidelibus, sed ad magnum profectum. Nam modus manducandi sacramentalis sub forma panis est specialis modus figurandi et excitandi efficaciter ad manducationem spiritualem. Et modus sacramentalis bibendi sub forma vini est specialis modus figurandi et excitandi mentem ex institutione Christi ad gustandum suaviter effusionem Christi sanguinis, quem effudit.—Ex quo patet, quod sicut sacerdos digne sumens sub utraque specie non sine causa sumit: sic et devotus Laicus potest licite sumere, cum eadem sit ratio quoad sumptionem corporis et sanguinis utrobique. Here, as elsewhere afterward, he expressed himself on this question with much greater moderation than James of Misa had done. His friends in Bohemia sent a letter to him in his prison at Gottleben, by the hands of the knight, John von Chlum, on the 31st May, 1415 (v. d. Hardt, *Conc. Const.*, iv. p. 291): Rogamus intime, quod motivam et finalem intensionem vestram de communione calicis, si videbitur, praesenti chartae inferatis, amicis tempore suo monstrandam. Quia fratrum adhuc aliqualis est scissio, et propter illud multi turbantur, ad vos et arbitrium vestrum juxta scripta quaedam se referentes. Huss answered them: De sacramento calicis habetis scriptum, quod scripsi in Constantia, in quo sunt motivae. Et nescio aliud dicere, nisi quod Evangelium et epistola Pauli sonant directe, et tentum fuit in primitiva Ecclesia. Si potest fieri, attentis, ut saltem permittatur per bullam illis dari, qui ex devotione postulaverint, circumstantiis adhibitis. But after that the council had condemned the *Commensio sub utraque* of the laity, on the 15th June, 1415 (see § 145, note 6), Huss wrote more decisively to a certain Dominus Haulikon on the 21st June, 1415 (*Hist. et Monum.*, i. p. 80): Noli resistere sacramento calicis Domini, quem Christus per se et per suum Apostolum instituit, quia nulla scriptura est in oppositum, sed sola consuetudo, quae, ut aestimo,

tion in the constitution of the Church, in the same proportion did it appear to be penetrated with the necessity of maintaining with the greatest strictness the existing state of things, in all points which any way trenched upon doctrine, that the reforming principle might not be changed into one of destruction. On the 28th November, 1414, Huss was thrown into prison and accused of heresy. Although his cause was espoused with much zeal from Bohemia,<sup>25</sup> still he was treated with increasing severity. Without any opportunity of defending himself, an unconditional recantation was required from him;<sup>26</sup> and as he refused to accede to

*ex negligentia inolevit. Jam non debemus consuetudinem sequi, sed Christi exemplum et veritatem. Modo Concilium allegans consuetudinem damnavit communionem calicis quoad Laicos, ut errorem, et qui practicaverit, nisi respiscat, tanquam haereticus puniatur. Ecce malitia Christi institutionem jam ut errorem damnat. Rogo propter Deum, ut non impugnes Magistrum Jacobellam, ne fiat scissio inter fideles, de qua gaudet Diabolus. Etiam, carissime, praepara te ad passionem in manducatione et communione calicis, et sta fortiter in veritate Christi, timore illicito postposito, etc.*

<sup>25</sup> Two letters from Bohemian barons to the Emperor, of January, 1415, may be seen in *Hist. et Monum.*, i. p. 96; v. d. Hardt, *Conc. Const.*, iv. p. 82; a third is given by *Mal. Hist. et Mon.*, i. p. 97. There are three letters of the Bohemians to the council, *Hist. et Mon.*, i. p. 9 ss; v. d. Hardt, iv. p. 188, 212, 288. The Bohemians appealed to the safe-conduct, and complained that Bohemia was represented as an entirely heretical country, especially (*Hist. et Mon.*, i. p. 10; v. d. Hardt, iv. p. 189) of the falsehoods which were current at Constance, quoniam sacramentum pretiosissimi sanguinis Domini per Bohemiam jam in vasculis non consecratis (in v. d. Hardt. in *flasconibus*) deportarent, quodque autores jam confessiones audirent, et sacrosanctum corpus Dominicum aliis ministrarent. But the *Episc. Luthomislensis* asserted, in his reply before the council, that, according to credible information which he had received, all this was true in the main (*Hist. et Mon.*, i. p. 10; v. d. Hardt, iv. p. 210).

<sup>26</sup> A Bohemian clergyman, named Michael de Caussis, first handed in to the Pope a series of articles of accusation against Huss (see *Hist. et Mon.*, i. p. 7). Afterward John Gerson drew from the book *De Ecclesia* nineteen articles, which he pronounced—haereticum et ut tales judicialiter condemnandi (l. c. p. 29 s.). Huss made his first appearance before the synod on the 5th June, 1415, but he could not make himself heard in the general outcry (v. d. Hardt, iv. 306 ss.). On the seventh of June he was examined before the council, in the presence of the Emperor, on several of the articles brought against him by Michael de Caussis (l. c. p. 308 ss.; *Hist. et Mon.*, i. p. 15 ss.). First, he was to be convicted of having taught, quod post consecrationem et pronunciationem verborum in coena Domini manet panis materialis, although he denied this in the most solemn manner. To another charge, quod pertinaciter articulos erroneos Wicleff docuisset in Bohemia et defendisset, he replied, that he certainly did not hold to be heretical all the articles of Wycliffe which were condemned by the Roman synod; for instance, not this, quod Sylvester Papa et Constantinus erraverint, Ecclesiae illas donationes conferendo; quod Papa vel Sacerdos existens in peccato mortali neque consecret neque baptizet (which last article he had, however, limited as follows, quod indigne consecret et baptizet); quod decimae sunt purae eleemosynae. Then he was asked, habueritne absolutionem a Pontifice Romano, and liceretne ad Christum provocare, and whether he had said, se optare, ut anima sua in eodem loco, ubi anima Wicleff, esset: He denied the first question; his affirmation of the latter two caused much laughter in the council. A new charge was, that he had advised the people, ut iis, qui adversarentur suae doctrinae, gladio resisteret exemplo Mosi. Huss declared, se monuisse populum, cum

this, on the 6th of July, 1415, he suffered death by fire.<sup>27</sup> In order to satisfy the Emperor with regard to the breach of his safe-conduct, the council issued the shameless decree that no faith was to be kept with a heretic.<sup>28</sup>

praedicaret dictum Apostoli de galea salutis et gladio, ut illo se accingerent omnes, et defenderent evangelicam veritatem; seque diserte dixisse propter calumnias, non gladio materiali, sed eo, qui est verbum Dei. Moreover, it was alleged against him, quod ex doctrina Hus multa scandala exorta sunt. Primum seminavit discordias inter ecclesiasticum et politicum statum, unde persecutio Cleri et Episcoporum, eorumque spoliatio consecuta est. Deinde quod scholam quoque Pragensem per discordias dissolvit. Hus denied both charges. He was then called to account for the expression, nisi sua sponte Constantiam venire voluisset, neque Bohemiae Rex neque Imperator se cogere ad id potuissent, which Huss explained by the power of the nobles, his adherents. Afterward, on the 8th of June, thirty-nine articles drawn from his works were laid before him, on which he was to explain himself (v. d. Hardt, iv. p. 314; Hist. et Mon., i. p. 19 ss.). There were twenty-six articles from his work De Ecclesia, seven from his Liber contra Stephanum Paletz, six from the Lib. contra Stanislaum de Snoima. They mostly referred to the doctrine that none but the predestinate belong to the Church, and so that even a Pope might not be a member of the Church; others related to the treatment of heretics, the power of the clergy, the virtue of excommunication, and the possibility that the Church might be governed even without a Pope. Many false deductions were fathered upon him, these he set aside by referring to his own words; of his statements, he revoked not one. He was then in vain required to recant by the council, and by the Emperor (v. d. Hardt, iv. p. 325). He even refused a milder form of recantation proposed to him by the cardinal Bishop of Ostia (l. c. p. 329). Unshaken constancy is displayed in his letters written at this time, in which he gives an account of his trial. Hist. et Mon., i. p. 84 ss.

<sup>27</sup> See the manner in which the sentence was passed and executed in Hist. et Mon., i. p. 33 ss.; v. d. Hardt, iv. p. 389 ss.; cf. Narratio historica de Condemnatione et Supplicio Jo. Hus, by a contemporary, Hist. et Mon., ii. p. 515 ss. Among the heresies with which he was charged, it was not only repeated in spite of all his protests, quod post consecrationem in sacramento altaris remaneat panis materialis, but also a new one was added, quod ille sanctissimae Triadi quartam adjecisset personam (v. d. Hardt, iv. p. 392 s.). The private archives of Königsberg contain a contemporary history of the Council of Constance in MS., in which the trial of John Huss is described with especial accuracy; see Jahrbücher Joh. Lindenblatts von Voigt u. Schubert, s. 299. Anm. The pretended prophecy of Huss, hodie anserem uritis, sed ex meis cineribus nasetur cygnus, quem non assare poteritis, seems to have risen in Luther's time. It appears, Opp. Lutheri. t. v. Altenb. p. 599; viii. p. 864; ix. p. 1562; and seems to have been formed partly from a passage in one of Huss's letters, which he wrote from Constance to the men of Prague (Hist. et Mon., i. p. 121): Prius laqueos, citationes et anathemata anseri (Hus is *goose* in the Bohemian language) paraverunt, et jam nonnullis ex vobis insidiantur. Sed quia anser, animal cicur, avis domestica, suprema volatu suo non pertingens, eorum laqueos [non] rupit, nihilominus aliae aves, quae verbo Dei et vita volatu suo alta petunt, eorum insidias conterent; partly from the words of Jerome at his execution; see Narratio de Mag. Hieron. l. c. ii. p. 531: Vobis certum est me inique et maligne condemnare, nulla noxa etiamnum inventa. Ego vero post fata mea vestris conscientiis stimulum infigo et morsum, ac appello ad celsissimum simul et aequissimum judicem Deum omnipotentem, ut coram eo centum annis revolutis respondeatis mihi. Cf. Manso an vere de M. Luthero vaticinatus sit Jo. Huss, in his Vermischte Abhandlungen und Aufsätze. Breslau, 1821. s. 157 ff.

<sup>28</sup> At first Sigismund wished to keep his safe-conduct unbroken, and to set Huss at liberty (v. d. Hardt, iv. p. 26), but afterward he allowed himself to be persuaded that it was necessary to the freedom of the council to proceed against a heretic without hin-

Jerome of Prague had, indeed, left Constance on account of the impending danger, but he was arrested at Hirschau in the Upper Palatinate, and brought back to Constance. Shaken by the severity of his imprisonment, he consented to recant in September, 1415; but as the accusations against him were nevertheless continued, he took courage, revoked his recantation, and was burned to death on the 30th of May, 1416.<sup>29</sup>

### § 151.

#### HISTORY OF THE HUSSITES TILL THE RATIFICATION OF THE COMPACT OF IGLAU (1436).

James of Misa,<sup>1</sup> commonly called Jacobellus, priest of the

derance (l. c. p. 32). Ferdinand, king of Aragon, also impressed upon the Emperor that he ought not to rescue a heretic from the punishment of death, because of his safe-conduct, *quoniam non est frangere fidem in eo, qui Deo fidem frangit* (see the letter, dd. 18. Apr., 1415, in Schelhorn's *Ergötzlichkeiten aus der Kirchengeschichte u. Literatur*, Bd. 1, s. 217 ff.). The decree of the council, dd. Sess. Gen. XIX., d. 28. Sept., 1415, is in v. d. Hardt, iv. p. 521): *Praesens sancta Synodus ex quovis salvo conductu, per Imperatorem, Reges et alios saeculi Principes haereticis, vel de haeresi diffamatis, putantes eisdem sic a suis erroribus revocare, quocumque vinculo se astrinxerint, concessio, nullum fidei catholicae, vel jurisdictionis ecclesiasticae praedictum generari, vel impedimentum praestari posse seu debere, declarat, quominus salvo dicto conductu non obstante liceat judici competenti ecclesiastico de hujusmodi personarum erroribus inquirere, et alias contra eas debite procedere, easdemque punire, quantum justitia suadebit, si suos pertinaciter recusaverint revocare errores, etiamsi de salvo conductu confisi ad locum venerint iudicii, alias non venturi. Besides this there was the special decree, De salvo conductu Hussonis, which v. d. Hardt, l. c., is the first to make known: *Quia nonnulli nimis intelligentes, aut sinistrae intentionis, vel forsitan solentes plus sapere, quam oportet, nedum Regiae Majestati, sed etiam sacro, ut fertur, Concilio linguis maledictis detrahunt, publice et occulte dicentes vel innuentes, quod salvus conductus, per invictissimum Principem Dominum Sigismundum Romanorum et Hungariae, etc., Regem quondam Johanni Huss haeresiarchae damnatae memoriae datus, fuit contra justitiam aut honestatem indebite violatus: cum tamen dictus Johannes Huss fidem orthodoxam pertinaciter impugnans, se ab omni conductu et privilegio reddiderit alienum, nec aliqua sibi fides aut promissio de jure naturali, divino vel humano fuerit in praedictum catholicam fidei observanda: idcirco dicta sancta Synodus praesentium tenore declarat, dictum invictissimum Principem circa praedictum quondam Johannem Huss non obstante memorato salvo conductu ex juris debito fecisse quod licuit, et quod decuit Regiam Majestatem: statuens et ordinans omnibus et singulis Christifidelibus,—quod nullus deinceps sacro Concilio aut Regiae Majestati de gestis circa praedictum quondam Johannem Huss detrahat, sive quomodolibet obloquatur. Qui vero contrarium fecerit, tanquam fautor haereticae pravitatis et reus criminis laesae Majestatis irremissibiliter puniatur.**

<sup>29</sup> See *Narratio de Mag. Hieronymo Pragensi pro Christi nomine Constantiae exusto*, in *Hist. et Mon.*, ii. p. 522 ss. *Alia de eodem narratio*, l. c. p. 528 ss. Poggius Florentinus, in *Ep. ad Leonardum Aretinum*, l. c. p. 532 ss., and in v. d. Hardt, iii. p. 64 ss., gives an account of his death as an eye-witness, and bears him witness: *Jucunda fronte et alacri vultu ad exitum suum accessit: non ignem expavit, non tormenti genus, non mortis. Nullus unquam Stoicorum fuit tam constanti animo, tamque forti mortem perpressus, quam iste appetuisse videtur.*

<sup>1</sup> Named from Misa, a small town in the Pilsner district in Bohemia, not, as many

church of St. Michael at Prague, at the instigation of Peter of Dresden,<sup>2</sup> began, toward the end of the year 1414, to administer the cup in the Lord's Supper to the laity, as necessary to salvation. In so doing he met with great favor, and from the time that Huss had declared his opinion at Constance, not indeed of the unconditional necessity, but still of the fitness of this reform,<sup>3</sup> he found Huss's numerous adherents so decidedly on his side, that henceforth the claim for the cup in the Lord's Supper was one of the chief peculiarities of the Hussites.<sup>4</sup> In the controversy which formerly thought, from Misnia; see Pelzel, in the *Abhandlungen einer Privatgesellschaft in Böhmen*, Bd. 6 (Prag, 1784. 8), a. 299. J. Chr. Martini *Diss. de Jacobo de Misa Altdorfii*, 1753. 4.

<sup>2</sup> J. Chr. Schreiber, *Diss. de Petro Dresdensi*. Lips., 1678. 4.

<sup>3</sup> See § 150, note 24.

<sup>4</sup> The origin of this innovation is related by Aeneas Sylvius, *Hist. Bohem.*, c. 35: *Nondum error de sacramento altaris irreperat (at the time when Huss was living at Hussinecz). Sed attulit novam pestem Petrus Dresdensis (id oppidum Misanæ superstitum), qui cum aliis Teutonibus paulo ante Bohemiam reliquerat. Cognitus inter suos, quia Valdensi lepra infectus esset, patria pulsus, velut haereticorum asylum Pragam repetiit, puerorumque docendorum curam accepit. Apud Ecclesiam S. Michaelis per id temporis populum prædicando instruebat Jacobellus Misnensis, literarum doctrina, et morum præstantia juxta clarus. Petrus hunc aggressus, mirari se ait, doctum et sanctum virum, qui divina eloquia plebibus exponeret, errorem illum non animadvertissæ communionis Eucharistiae, qui jam pridem Ecclesiam pessundasset. In qua sub una tantum specie dominicum corpus populo ministraretur, cum apud Joannem Evangelistam et Apostolum Christo dilectissimum sub duplici specie panis vini sumi jubetur, dicente apud eum Salvatore, nisi manducaveritis carnem filii hominis et biberitis ejus sanguinem, non habebitis vitam in vobis. Commotus his Jacobellus, cum perquisitis vetustis sanctorum Doctorum codicibus, Dionysii præsertim et Cypriani, communionem et calicis laudatam invenisset, prohibitus apud sacellum Archangeli Michaelis prædicare, in templo majore S. Martini cathedram sortitus, publice commonere populum coepit, ne deinceps communionem calicis, sine qua salvari nemo posset, quoquo pacto negligenter. Huic omnes haeretici consenserunt, haud modica gestientes lætitia, quod articulum invenissent in evangelica lege fundatum, per quem Romanae sedis vel ignorantia vel nequitia argui posset. Odioso quamvis hæc animo Rex intelligeret, desidia tamen corruptus, et inertia torpens, impune debacchari sinebat haereticos. The reasoning here Aeneas evidently drew from the works of Jacobellus, the rest may have reached him from credible sources. The Calixtine, Laurence *Brzezyna* (called erroneously *Byzynnus*, in Ludewig), chancellor of the new city of Prague, an eye-witness, relates in his *Diarium Belli Hussitici ab anno 1414 ad 1423*, in J. P. de Ludewig *Reliquiae Manuscriptorum*, t. vi. p. 124 (more fully in MS.; see *Dobrowsky*, in the *Abhandl. der böhm. Gesellsch. d. Wissenschaften auf d. J. 1788*, s. 303 f.): Anno incarnationis dominicæ 1414 venerabilis ac divinissima communio Eucharistiae sub utraque specie, panis scilicet et vini, populo communi fidei ministranda, per venerandum ac egregium virum Magistrum Jacobellum de Misa, sacrae theologiae baccalaureum formatum, et alios sibi tunc in hac materia assistentes sacerdotes est inchoata in urbe incluta et magnifica Pragensi. Primum quidem in Ecclesiis S. Adalberti in nova civitate, S. Martini in muro, et S. Michaelis, ac capella Bethleem nuncupata in civitate antiqua Pragensi. Quae certe communio sanctissima successu temporis, quo pluribus diversis minarum ac incarcerationum terroribus per Romanum ac Boemiae Regem Venceslaum,—et præcipue Conrado Archiepiscopo Pragensi, Praelatisque aliis ac Religiosis, et Magistris universitatis studii Pragensis ac Doctoribus, totis viribus suggerentibus et desudantibus suffocationem, impugnabatur:*

soon arose upon this subject, Jacobellus evidently maintained the ascendancy.<sup>5</sup> The Council of Constance, indeed, on the 15th

tanto amplius inualescebat et augmentabatur in populo fideli ac devoto sexus utriusque ad tantum, quod infra duos annos non solum in duabus aut tribus Ecclesiis Presbyteri Magistro Johanni Hus [*adhaerentes*], pro tunc *Wiglefiatae* per partem sibi adversam, quae *Machometica* appellabatur, nuncupati, libertatem praedicandi, et sic ut praemittitur, populum communicandi habebant; sed fere omnibus parochialibus in Praga Ecclesiis, imo et Monasteriis certis, Archiepiscopo et Praelatis ipsos excommunicantibus, et interdictum per totum Pragam ponentibus, occupatis populum magnum ad se attraxerunt. Ita quod non solum in Praga, sed etiam regni Boemiae, et Marchionatus Moraviae civitatibus, castris, oppidis et villis populus communis catervatim cum magna devotione ac reverentia ad sacratissimam utriusque speciei communionem frequentabat. P. 130: Non solum usum rationis habentes, sed et parvuli seu infantes post baptismum, propter baptismi ipsius confirmationem, temporis successu sacramento divinissimae Eucharistiae sub utraque specie communicabantur, Mag. Jacobello—hanc cum sibi aliquibus adhaerentibus Magistris et sacerdotibus promulgante et practisare inchoante communionem. Propter quam quidem infantium communionem schisma grave inter Magistros et sacerdotes, veritati Dei et Mag. Johanni Hus adhaerentes, in Praga et in regno Boemiae exortum. Nam quidam ex eis infantium communionem fore erroneam et ad baptismi confirmationem non necessariam asserebant: alii e contrario propter dictum b. Dionysii ac aliorum primitivae Ecclesiae doctorum hanc sententiam et communionem ipsam catholicam et salutiferam adstruebant.—Nihilominus praefata sacri corporis et sanguinis Domini sub utraque specie—communio tam ad adultos quam ad parvulos et infantes, adversariis ipsius ac aemulis eam ratione et modis diversis suffocare et annullare satagentibus, non tamen praevaletibus, de die in diem magis ac magis crecebat et augmentabatur et inualescebat, impugnantibus per temporum successus notabiliter divina virtute coram ipsa ruentibus, et succumbentibus veritati, et damna inexplicabilia rerum et corporum luentibus.

<sup>5</sup> Jacobellus first wrote the *Demonstratio per Testimonia Scripturae, Patrum atque Doctorum, communicationem calicis in plebe Christiana esse necessariam* (in v. d. Hardt, *Conc. Const.*, iii. p. 805). On the other side, Mauritius de Praga (professor of divinity in Prague, then at Constance), *Responsio ad Demonstrationem*, etc. (l. c. p. 826.) Besides, Anonymi theologi, in *Conc. Const. praesentis, Epist. Elenctica ad Jac. de Misa contra communionem plebis sub utraque specie* (l. c. p. 338). Andreae Brodae (professor of divinity at Prague), *Dist. Acad. contra Communicationem plebis sub utraque specie* (l. c. p. 392). Against this work Jacobellus wrote *Vindiciae contra Andr. Brodam pro communione plebis sub utraque specie* (l. c. p. 416). Jacobellus here teaches, p. 428: fideles de communitate Christianorum,—dum commodose, tempore et loco opportunis possunt habere, hoc divinissimum sacramentum utriusque speciei debent suscipere ad salutem.—Dum vero—non possunt habere a sacerdotibus,—et aliunde essent boni et justii,—non eo ipso, quod non possunt, nec docentur sumere hoc divinissimum sacramentum utriusque speciei, sunt de damnandis. The point of view from which his opponents in part started is clear from Anonymi theologi *Tract. contra Jac. de Misa* (l. c. p. 658), where we find, p. 698: Primitiva Ecclesia est ritus, consuetudo, observatio Ecclesiae fidelium circa fidem tempore Apostolorum, et aliorum LXXII. discipulorum, et sequacium ipsorum usque ad Sylvestrum Papam. Sed Ecclesia moderna dicitur ritus, consuetudo et observatio Ecclesiae circa fidem, incipiens a Silvestro Papa usque ad hodiernum diem: capiendum autem modernum magis propinque, tunc est quod duravit per ducentos. Per centum autem annos dicitur Ecclesia moderna, saltim referendo tale tempus ad observationem fidelium circa fidem. Pro quo sciendum, quod *omnia fiebant simpliciori modo et grossiori in primitiva Ecclesia, quam fiunt in moderna Ecclesia*. Quia baptismus fiebat simplici aqua, nunc autem fit in benedicta. Sic etiam divina officia et multa alia fiebant simpliciori modo: sed in moderna Ecclesia omnia digniori modo fiunt. Sic etiam in primitiva communicatio apud Corinthios fiebat sub duplici specie: in moderna omnia sunt reducta ad meliorem formam, ad unam speciem. Quia



June, 1415, sanctioned the Church's usage, and pronounced its opponents heretics.<sup>6</sup> But this decree, the execution of Huss which followed close upon it on the 6th July, and the contempt which the council showed for Bohemia as infested with heresy, roused the most violent ferment in this country. Jacobellus defended the *Communio sub utraque* against the decree of the council,<sup>7</sup> Huss was honored as a martyr,<sup>8</sup> a meeting of Bohemian and Moravian nobles heaped the bitterest reproaches upon the council in a letter,<sup>9</sup> and joined in a league of six years for the protection of

multa Apostoli et alii sequaces omiserunt, quae moderna Ecclesia implevit : quia dicitur in Actis Apostolorum : crescente Ecclesia crescit et Spiritus Sancti operatio. Et in Decretalibus c. *Cum Marthae* (Decr. Greg., iii. 41, 6), dicitur : Multa servat Ecclesia, quae per Apostolos fuerunt omissa, etc.

<sup>6</sup> See § 145, note 6.

<sup>7</sup> Jac. de Misa, Apologia pro Communione Plebis sub utraque Specie contra Constant. Conc. decretum condemnatorium, in v. d. Hardt, iii. p. 591.

<sup>8</sup> There was an annual commemoration of Huss and Jerome on the 6th of July. Aeneas Sylv. Hist. Bohem., c. 86. Theobaldi, Th. 1, cap. 27, s. 133.

<sup>9</sup> The letter of the council to the clergy of Prague, which announced the execution of Huss, and charged them with the extermination of the heresy, is in v. d. Hardt, iv. p. 485 ss. In the letter of the fifty-four nobles assembled at Prague to the council, dd. 2. Sept., 1415, l. c. p. 495. Hist. et Mon., i. p. 98, is the following passage among others : Nos—pro carissimo proximo nostro,—Johanne Huss,—praedicatore evangelico, quem nuper in Concilio Constantiensi, nescimus quo spiritu ducti, non confessum, nec legitime, ut decebat, convictum,—sed ad sinistras, falsas et importunas duntaxat suorum et regni nostri—capitalium inimicorum et proditorum accusationes,—tanquam haereticum pertinacem condemnastis, et condemnatum dira et turpissima morte affecistis, in nostri regni Bohemiae Christianissimi et Marchionatus Moraviae clarissimi, ac omnium nostrum perpetuam infamiam et notam : quemadmodum serenissimo Principi et Domino, Domino Sigismundo—scripta ad Constantiam transmisimus, quae etiam in congregationibus vestris lecta sunt et publicata,—et ea, ut refertur, in nostrum dedecus et contemptum ignis voragini tradidistis : ita et nunc pro dicto M. Jo. Hus literas nostras patentes praesentibus duximus destinandas, publice corde et ore profitentes et protestantes, quod ipse M. Jo. Hus fuit vir utique bonus, justus et catholicus, a multis annis in regno nostro vita et moribus ac fama laudabiliter conversatus et comprobatus ; legem etiam evangelicam—nos et subditos nostros catholice docuit,—omnes errores et haereses constantissime detestando.—Nec praemissa omnia in confusionem nostram, et regni nostri et Marchionatus praefatorum perpetrata vobis suffecerunt : quin potius honorandum M. Hieronymum de Praga—non confessum, nec convictum, sed ad solam suorum et nostrorum proditorum delationem sinistram—comprehensum incarcerastis : trucidastis etiam forte, sicut et M. Johannem Hus crudelissima morte interemistis. Praeterea ad nostram—pervenit notitiam,—quomodo quidam detractores—coram vobis—nos—gravissime et nequissime detulerint, asserentes, licet false,—quod in praefatis regno Bohemiae et Marchionatu Moraviae diversi errores pullularint, et corda nostra—infecerint.—Equidem haec atrox et perniciosissimas injurias—nobis et praefatis regno et Marchionatu, licet false et mendose, impositas quomodo sustinere possumus ? Cum per gratiam Dei—regnum nostrum Bohemiae Christianissimum, et clarissimum Marchionatus Moraviae a tempore, quo fidem catholicam—susceperunt,—s. Romanae Ecclesiae semper constanter et indesinenter adhaeserunt.—Ut autem juxta sententiam Apostoli provideamus bona non solum coram Deo sed etiam coram hominibus ;—ideo—certam orthodoxamque fidem tenore praesentium V. P. et universis Christianis innotescimus,—profitentes, quod quicumque hominum,—qui—dicit vel asserit, quod in praefatis regno Bohemiae et Marchionatu

purity of doctrine.<sup>10</sup> The council summoned them before its judgment-seat in vain.<sup>11</sup> The execution of Jerome of Prague increased the exasperation of the Bohemians, and after the University of Prague had pronounced in favor of the communion in both kinds<sup>12</sup> the great bulk of the nation was won over.<sup>13</sup> Nevertheless the council thought it necessary to pursue a severe course, and issued instructions in twenty-four articles how the Bohemian heretics were to be quelled by force.<sup>14</sup> The Pope sent legates to carry out this plan.<sup>15</sup> The king, Wenceslaus, was indifferent with regard to the controversy of the Church,<sup>16</sup> but at the same time too weak

*Moraviae errores et haereses pullulassent, et nos—infecissent,—recte mentitur in caput suum, tanquam nequam, pessimus traditor et proditor praedictorum regni et Marchionatus, et solus utique haereticus perniciosissimus: nihilominus tamen praemissas injurias Domino—nunc committentes, apud futurum Apostolicum,—unicum et indubitatum pastorem, illas amplius et latius prosequemur.—Praemissis enim non obstantibus legem Domini nostri Jesu Christi, ipsiusque devotos, humiles et constantes praedicatores usque ad effusionem sanguinis, omni timore et statutis humanis in contrarium editis postergatis, defendere volumus et tueri.*

<sup>10</sup> See the *Syngrapha*, dd. Victorini (5th Sept.), 1415, in the *Hist. et Mon.*, i. p. 98. They bound themselves especially, ut in omnibus nostris ditionibus quisque pro se curaret verbum Dei libere—in templis et monasteriis doceri et audiri; itaque nullum sacerdotem arcendum—esse, qui—petat sibi concedi, ut doceat verbum Dei juxta s. Scripturae veritatem. Quodsi sacerdos alicujus erroris insimulatus fuerit, ut is ad Episcopum suae ditionis citetur: a quo si deprehensus fuerit alienum aliquid a verbo Dei in vulgus spargere, manifeste puniri debet, convictum vero nos prohibebimus, ne intra nostros fines amplius concionetur. Sin quisquam ex Episcopis odio verae et evangelicae doctrinae sacerdotum aliquem nullo in errore deprehensum privata cupiditate inordinate et clam poena aliqua afficere voluerit, decrevimus apud nos, ut nullum postea sacerdotem ad talem Episcopum citari pateremur, sed ut haec res ad celeberrimae Academiae Pragense Rectorem, Doctores sacrarum literarum et Magistros referatur, et per eosdem de toto negotio secundum sacrae Scripturae veritatem cognitio fiat. Deinde hoc quoque communi sententia decrevimus, ut omnibus sacerdotibus, quicumque sub nostro imperio vivunt, mandaremus, nullas ut a quoquam excommunicationes acciperent, praeterquam ab Episcopis nostrae ditionis. Nam excommunicationes legitimas retinere eisque libenter parere volumus. Si qui vero ex eisdem Episcopis nostrae ditionis voluerint iniquis excommunicationibus, aut vi aliqua injusta nobis aut nostris Ecclesiis molesti esse propter verbum Dei, et sanctum ejus testamentum, aut propter aliud quiddam, de quo non fuerit facta cognitio legitima, illis ipsis decrevimus non modo non obtemperare, sed etiam resistere, si ita necessitas postulabit.—Haec omnia ut rata inter nos ac firma sint, nos mutuis inter nos auxiliis operam dabimus. Quod si quis nostrum recusaverit, is et nominis sui et omnium bonorum jacturam patietur.

<sup>11</sup> The letter of 24th February, 1416, is in Raynald. h. a. no. 8. Balbini *Miscell. Hist. Regni Bohem.*, lib. vi. p. 144, 156.

<sup>12</sup> The instrument of the 10th March, 1417, is in Cochlaci *Hist. Hussit.*, p. 159; *Hist. et Mon.*, ii. p. 539.

<sup>13</sup> See Pelzel's *Lebensgesch. des Königs Wenceslaus*, Th. 2, s. 656.

<sup>14</sup> See these in Cochlacus, p. 165.

<sup>15</sup> Theobald, Th. i. cap. 29, at the beginning, s. 138.

<sup>16</sup> He had caused a letter to be written to his brother Sigismund, as is shown by the answer he gave to the ambassadors of Wenceslaus (in Pelzel, Th. 2, *Urkundenbuch*, s. 169 f.), qualiter nesciat in regno suo aliquos erroneos homines. To the adherents of the

and undecided to be able to maintain the peace of the state between the two parties. Accordingly, when the Hussites were assailed by the zealous Catholics, especially by the clergy, bands of them, under the guidance of two noblemen, Nicolas of Hussinecz and John Ziska, gathered together in self-defense. Among the thousands who, upon Mount Tabor, at first only celebrated the Lord's Supper,<sup>17</sup> but afterward founded the City of Tabor, the

chalice on the 25th February, 1419, he granted three churches in Prague for their worship, on condition that they created no disturbance. Pelzel, Th. 2, s. 680; Urkundenbuch, s. 171.

<sup>17</sup> Brzezyna mentions this in two passages, Ludewig Reliq., vi. p. 142, and, more in detail, p. 186. In the last passage we find: Factum est anno Dom. 1419, quod Presbyteri cum eorum vicariis prope castrum Bechinense durius sic (*sub utraque specie*) communicantibus insultabant, eosdem armata manu de Ecclesiis eorum expellentes, tanquam erroneos et haereticos. Qua de re Presbyteri cum sibi juncto populo montem magnum magna planicie exornatum ascendunt, et in ejus summitate tentorium de lineis pannis ad modum capellae expandunt. In quo agentes divina, populum ibidem confidentem, sine ullius communionis impedimento, venerabilis Eucharistiae sacramento devotissime reficiunt. Qua peracta et depositis lineis pannis ad propria redeunt, et monti nomen Tabor imponunt (*Tabor* is Bohemian for tent: but, probably, there was united with this signification a reference to the Mount of the Transfiguration), ad quem venientes Taboritae sunt nuncupati. Haec cum ad aures adjacentium civitatum, oppidorum et villarum devenirent, fratres Presbyteri circumcirca vicini, conducta certae festivitatis die, populum eis junctum cum venerabili corporis Christi sacramento ad Tabor sonoris vocibus deducunt pro veritatis ibidem, ut dicebant, confirmatione, ac fratrum sororumque ibidem existentium confirmatione ac consolatione. Quibus taliter venientibus occurrunt de Tabor cum venerabili altaris sacramento fratres ac sorores pro alacri venientium susceptione. Venientes illi itaque in montem totam diem non in lasciviis, sed in his quae salutem animarum concernunt expendebant. Presbyteri nempe eorum tero functi sunt ibidem officio: doctiores namque ac eloquentiores a summo mane populo per normas diviso, seorsum viris, ac seorsum mulieribus et pueris verbum Dei, et praesertim ea, quae superbiam, avaritiam fastumque Cleri concernebant, sine omni formidine populo alternatim praedicabant, aliis pro tunc continue ad auricularem confessionem consistentibus: et tertii peractis divinis populum a diescente usque ad meridiem utraque specie, corporis scilicet et sanguinis Domini Christi, communicabant. Ita quod in die Mariae Magdalene (the 22d July) XLII. millia cum aliquot et XX., virorum, mulierum et parvulorum taliter communicantium fuerunt a Presbyteris computati. Quibus omnibus taliter, ut praemittitur, expeditis vadunt pro corporis refectione ad loca ibidem in monte multipliciter praeparata, et simul in caritate fraterna convivantes, non ad libidinem aut ebrietatem, non ad levitatem et dissolutionem, sed ad majorem et fortiozem Dei servitum. Ibi omnes sese fratres et sorores appellantes, ditior cum paupere victualia, quae erant praeparata, dividebant. Ibi nihil, quo inebriari posset, permixtum fuerat propinari. Ibi etiam nulla chorea, nullus taxillorum et globorum, aut alterius levitatis ludus, non dico seniorum, sed et parvulorum, habebat indulgentiae locum. Ibi denique nullae contentiones, nulla furta, nullae sonantium fistulae, aut cythararum melodiae, prout hactenus in Ecclesiarum dedicationibus fieri solebat, potuit reperiri: sed omnium, more Apostolorum, fuit unum cor et una voluntas, nihil aliud tractantes, nisi quae forent de animarum salute ac de Cleri ad pristinum, primitivae scilicet Ecclesiae, statum reductione. Peracta itaque, ut dictum est, modica corporis refectione, surgunt cum populo Presbyteri ad agendum Deo gratiarum actiones, cum venerabili Eucharistia Tabor montem processionabiliter circumeunt, virginibus sacramentum praecedentibus, et viris ac mulieribus in suis turmis sequentibus, vociferantes et psallentes in canticis, prout

most violent fanaticism was enkindled with the sense of their power. Under the guidance of Ziska a band of Taborites marched upon Prague, and avenged the injuries which had there befallen their chalice, in a sanguinary manner, upon the council of the New-city (30th July, 1419).<sup>18</sup> When Wenceslaus soon after died (16th August), as the people would not submit to the hated Sigismund, complete anarchy ensued, which was still further increased by the important difference in doctrine which now arose between the Hussites of Prague and the Taborites.

The Hussites of Prague (Calixtines, Utraquists) did not advance beyond Huss and Jacobellus in their doctrine, which they drew up in four articles, 1421.<sup>19</sup> On the other hand, ever since

videbatur expedire. Hæc processione finita, vale sibi mutuo facientes cum suis Presbyteris—veniunt unde exiverunt. Factum est autem, cum supra dicta in longiores partes vulgarentur, coepit numerus venientium de die in diem notabiliter augmentari. Nam non solum jam de Pyska, etc.—, sed de Praga, etc.—, necnon de multis locis Moraviae pedestres et equestres in Tabor confuebant.—Quapropter—Rex Wenceslaus cum quibusdam inimicis veritatis coeperunt graviter ferre, timentes ne tanta populi multitudo Regem et Archiepiscopum, prout famabatur, pro defensa legis Dei eligerent, et eorum bona velut adversariorum per potentiam, cui resistere non valerent, invaderent ac depopularent (compare p. 148: Quamobrem Rex Boemiae Wenceslaus multum est turbatus, se de regali solio dejici timens et expavescens, Nicolaumque de Hus in locum sui substitui suspicando). Quidam ea de causa ex nobilibus districtius subditis suis sub poena colli et bonorum perditione præcipiunt, ne per amplius ad montem Tabor audeant concurrere. Sed hujusmodi mandatum rustici cum suis mulieribus modicum aut nihil advertentes, potius dimissis omnibus, quae possederant, ad Tabor montem in certis festivitibus venire nullatenus negligebant, allecti et attracti, prout ferrum attrahit magnæ.

<sup>18</sup> Brzezyna in Ludewig, vi. p. 143. Aeneae Sylvii Hist. Bohem., c. 87, init. Pelsel, Th. 2, s. 684 f.

<sup>19</sup> Brzezyna, p. 175 ss. Magistri civium, consules et scabini totaque communitas civitatis Pragensis, declared in this document, composed in Latin, Bohemian, and German: Notum sit omnibus Christifidelibus, quod fideles in regno Bohemiae instant, et Domino juvante instare proponunt sive per mortem, sive per vitam, quantum est eis possibile, pro articulis infra scriptis: *Primo*, quod verbum Dei per regnum Bohemiae libere et sine impedimento ordinate a sacerdotibus Domini prædicetur.—*II.* quod Sacramentum divinissimæ Eucharistiae sub utraque specie, panis scil. et vini, omnibus Christifidelibus nullo peccato mortali indispositis libere ministretur juxta sententiam et institutionem Salvatoris.—*III.* quod dominium saeculare super divitiis et bonis temporalibus, quod contra præceptum Christi Clerus occupat in præjudicium sui officii et damnum brachii saecularis, ab ipso auferatur et tollatur, et ipse Clerus ad regulam evangelicam et vitam apostolicam, qua Christus vixit cum suis Apostolis, reducatur.—*IV.* quod omnia peccata mortalia, et speciatim publica, aliaque deordinationes legi Dei contrariae in quolibet statu rite et rationabiliter per eos, ad quos spectat, prohibeantur et destruantur. Quae qui agunt, digni sunt morte, non solum qui ea faciunt, sed qui consentiunt facientibus, ut sunt in populo fornicationes, comessationes, etc.—In Clero autem sunt simoniacae haereses et exactiones pecuniarum a baptismo, etc.—moresque impii et injusti, ut sunt impudici concubinatus,—irae, rixae, contentiones, frivolaë citationes, et hominum simplicium pro lubitu vexationes et spoliationes, etc.—Quod si aliquis ultra hanc plam nostram et sanctam intentionem aliqua nobis adscribat impudica et enormi, tanquam falsus et iniquus testis a Christifidelibus habeatur, etc.

its variance with the Church, Bohemia had become the gathering-place of the Beghards, here called Picards, who were persecuted in other places. Thus, as early as 1418, there was at Prague a small community of persons holding Waldensian opinions;<sup>20</sup> but these soon united themselves with the Taborites, as the most zealous adversaries of the ruling Church,<sup>21</sup> and spread among them their principles with the greatest success. The Taborites accordingly rejected with literal scrupulousness all ecclesiastical doctrines, institutions, and usages which were not founded on Scripture: they avoided all secular pleasures, and even the secular sciences.<sup>22</sup> Their religious fanaticism, threatened as it was with

<sup>20</sup> See Dobrowsky in the *Abhandlungen der böhm. Gesellschaft d. Wissenschaften*, 1788, s. 309 f., and the fragment of Brzezyna quoted there from MSS.: *Origo autem et radix hujus maledictae haeresis pervenit ad Boemiae regnum a quibusdam Piccardis, qui anno 1418 Pragam cum uxoribus (et liberis venerunt)*. However, they must have come thither so early as the year 1417, for the University of the place declares itself against them on the 25th of January, 1417 (i. e. 1418); see Pelzel, *Th. 2, Urkundenbuch*, s. 163: *Sane, quod nimis dolenter referimus, ad audientiam nostri crebris relatis et clamoribus iteratis est deductum, quomodo nonnulli diversarum communitatum ex erronea et diabolica doctrina in destructionem fidei ac religionis Christianae temere tenent et adstruere conantur, non esse purgatorium, et consequenter quod non sit orandum vel elemosynandum pro defunctis. Quodque non sint tenendas in Dei Ecclesia imagines, imo asseverant, quamvis false, quod habere Christi et Sanctorum imagines legi Domini repugnet. Insuper quod benedictiones salis et aquae fontis baptisterii—cum aliis Ecclesiae benedictionibus—errorem saperent.—Et hinc illas cum aliis laudabilibus Ecclesiarum ceremoniis funditus evellere et destruere nituntur.—Supplicamus, ut si ad vos dogmatizatores quicumque praedictorum errorum cum suis falsis sentiis pervenerint,—tandiu illis liberam denegatis audientiam, quamdiu coram nobis suam docerent sententiam fore justam.*

<sup>21</sup> Thom. Ebendorffer de Haselbach, *D. theol. at the University of Vienna* († 1460). *Chron. Austriacum in Pezii Scriptt. Rerum Austr.*, ii. p. 846: *Ibi quoque sumta occasione Waldenses, qui usque latuerunt, suas cervices erexerunt, primum latenter suos inducentes errores, postea vero armata manu defensare et alios ad eosdem nisi sunt compellere.*

<sup>22</sup> After the passage quoted in note 17, the Calixtine Brzezyna thus proceeds, p. 190: *Cum haec talia, ut praemittitur, agerentur, et plurimi tam nobilium quam vulgarium sexus utriusque, dimissis vanitatibus, legi Dei operam darent: Diabolus saluti generis humani inimicus per aliquos falsos fratres Presbyteros mundo legis Dei tritico varias errorum et haeresium superseminavit zizanas.—Nam cum eo tempore non esset Rex et Princeps in Israel, ad quem subditi haberent respectum, faciebat unusquisque quod sibi rectum videbatur. Et plurimi Taboritarum Presbyteri, magnam habentes populi confidentiam et adhaerentiam, dismissis scilicet doctorum Ambrosii, Hieronymi, Augustini, Gregorii et caeterorum ab Ecclesia approbatorum sentiis, suis de propriis ingeniis elaboratis glossis antiquum et novum interpretati sunt Testamentum, multa falsa et erronea veris immiscentes, per quae facilius corda simplicium poterant ad eorum sententias inclinari. Fundamentum autem omnium malorum sequentium fuit erroneus Scripturarum intellectus. Dicebant namque eorum directores et doctores, quod non oportet doctorum, qui fuerunt puri homines, uti scholarum sentiis, cum Christus Deus et homo sufficienter in novo Testamento expressit omnia, quae cuilibet homini viventi sunt necessaria ad salutem, et quomodo vetus novum, et vice versa novum vetus exponit Testamentum. They published their doctrines in fourteen articles, 1420: I. Nulla scripta aut dicta quo-*

perils from without, was also exposed, in a manner easily account-

runcunque doctorum a fidelibus sunt tenenda,—nisi quae in canone Bibliae explicite continentur, quia omnes libri talium sunt astutiae Antichristi et abjiciendi, destruendi aut comburendi. II. Omnis homo in eo, quod studet in artibus liberalibus, aut gradus in eisdem accipit, est vanus et gentilis, et peccat contra Evangelium, D. N. J. C. III. Nulla decreta ss. Patrum aut seniorum instituta, nullus aliquis ritus, aut traditio humanitas inventa sunt tenenda: sed omnia talia sunt abolenda et destruenda, velut Antichristi traditiones, cum Christus et ejus Apostoli ea fieri nullibi in novo Testamento expresserunt. IV. Ex praedictis concludebant sequentia, quod nullum chrisma, aut sacrum oleum, aut aqua baptismalis sunt consecranda vel sanctificanda. Similiter calix nullius corporale, ornatus et de aliis rebus in Ecclesia fieri consuetis sunt exorcissanda, benedicenda aut sanctificanda. Similiter nullae horae canonicae sunt dicendae. Nec ritus Missae in ornatu et signis ac ordine dudum ab Ecclesia constituto, nec cantus ecclesiastici sunt tenendi, sed potius tanquam humanae traditiones et legis Dei impeditiva abjicienda et destruenda. V. Infantes non debent cum exorcismis et solitis in baptismate compatribus in aqua ad hoc benedicta et consecrata baptisari. Sed possunt in quacunque unda recenti, et ubi libuerit, baptisari. VI. Omnes libri missales aut cantuales, similiter et viatici et libri hymnorum, et omnis ornatus seu vestes missales, aut alia spiritualia pro peragendis divinis indumenta, monstrantiae et calices, aut cinguli argentei vel aurei, et omnis vestis polymita, et conspersa, aut quovis modo depicta: haec omnia sunt destruenda vel comburenda, magisque licet rusticis in dictis sacris vestibus incidere, et cappas et manicas ex eis facere, quam Presbyteris in eis peragere divina. VII. Confessiones auriculares non sunt curandae aut observandae, nec ad eas peccatores etiam criminales obligantur, sed soli Deo sufficit mente tenus confiteri. VIII. Jejunia quadragesimalia, quatuor temporum, in vigiliis, caeteraque humanitas aut consuetudine introducta non sunt a fidelibus observanda, sed pro velle sui beneplaciti unusquisque his diebus comedat, quicquid habet, aut quod sibi apparabit. IX. Dominico die excepto nulla alia festivitas est ex aliquo debito celebranda a fidelibus. X. Omnis Presbyter cum platta et in ornatu vel superpellicio divina peragens, aut Missam ritu consueto celebrans, est sicut illa meretrix, de qua scribitur in Apocalypsi, a fidelibus contemnenda. Sed Missa est ad instar Christi et Apostolorum cum barbis et sine platta in communi veste et sine altari, in quocunque loco contigerit, celebranda. Et sacramentum Eucharistiae alta voce propter adstantes est conficiendum, et ipsum non est elevandum, nec in crastinum est conservandum. XI. Sacerdotes evangelici domos eis ratione eleemosynae pro perpetuo a Laicis concessas aut deputatas non possunt licite inhabitare, nec possunt habere bona temporalia, jure civili ab eisdem subtracto penitus et ablato, nec a taliter habentibus accipienda sunt sacramenta, quamvis jus sic habendi eis esse illicitum notorie recognoscant. XII. Post mortem corporalem animarum fidelium non est credendus locus purgationis aut tenendus, stultumque et inane est pro fidelibus defunctis exorare, aut alia pietatis opera exercere. XIII. Invocationes aut postulationes nostrae, tam mentales, quam vocales, ad sanctos, qui sunt in caelesti patria, pro aliquibus suffragiis sapiunt haeresin aut idololatriam. XIV. Nulla imago nec aliqua similitudo eorum, quae sunt in coelo et terra, sub poena idololatriae est habenda, sed quaelibet talis est tanquam idolum destruenda et comburenda. Quia scriptum est Exodi xx. : *non facies tibi sculptil: nec omnem similitudinem.* In the larger explanations Brzezyna adds, that they supported their rejection of all usages not contained in the Bible upon Apoc. xxii. 18 : *si quis apposerit ad haec, apponet Deus super illum plagas scriptas in libro isto*: and upon the words of Christ against the Scribes and Pharisees, Matth. xv. 6 : *irritum fecistis mandatum Dei propter traditiones vestras.* After the party of Prague had published their four articles (see note 19), the Taboritarum et omnis advenarum communitas, on the 5th August, 1421, sent them twelve articles as the groundwork of a further union with the adherents of Prague, Brzezyna, p. 185 : II. Quod articuli, ad quos Capitanei, consules et communitas consenserunt (those given above), quia jam dudum sunt per praedicatorum proclamati, teneantur et observentur sub poenis promulgatis. III. Quod manifesti peccatores—non tolerentur absque poena. IV. Quod potationes tabernales—non fiant. V.

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ed for, to manifold apocalyptic superstitions.<sup>23</sup> On the other hand,

Quod vestes superbas non portant. VI. Quod in artificii et foro provideatur, ne fiant illusiones, spolia, usurae, juramenta, inutilitates et vanitates, doli, etc. VII. Quod jura paganica et teutonica, quae non concordant cum lege Dei, tollantur, et jure divino et regatur, judicetur, et totum disponatur. VIII. Quod sacerdotes ex parte servent se secundum ordinem divinum et imitationem prophetica et apostolica. IX. Ut magistri subjiciantur regulariter juri divino, sicut et alii fideles Christiani, et suas proscriptiones ut ad voluntatem Dei regent et in praetorio reponant, ut examinentur juxta legem Dei. X. Ut omnes census sacerdotum ad bonum commune convertant, et usurarios destruant. XI. Ut adversarios veritatis Dei ex se ejiciant, et profugos et bannitos suscipiant. XII. Ut Monasteria haeretica destruant et corrumpant, Ecclesias non necessarias, et altaria, imagines patenter et occulte servatas, ornatus superbos, et calices aureos et argenteos, et omnem antichristianam plantationem idololatricam, et simoniacam pravitatem, quae ex Deo, patre coelesti, non est.

<sup>23</sup> Brzezyna, p. 145, A.D. 1420: Item hisce temporibus sacerdotes quidam Taborienses novum Christi adventum praedicabant populo. In quo adventu omnes mali et veritatis commuli perire debeant et exterminari, et boni duntaxat in quinque conservari civitatibus.—Harum haec sunt nomina Pilzna, quae per ipsos civitas solis est appellata. Zatecz, Luna, Slana et Laotowia.—Quorum sententiis frivolis, tanquam veridicis, multi simplicium zelum habentes secundum Apostolum, sed non secundum scientiam, acquiescentes, bona sua pro levi etiam pretio vendendo, ad ipsos de diversis regni Bohemiae et Marchionatus Moraviae districtibus cum uxoribus et pueris confluebant, et pecunias ad pedes ipsorum sacerdotum projiciebant. Their doctrines are given in detail, p. 203 a. Primo, quod in praesentis saeculi consummatione adveniet Christus occulte, sicut fur, novo adventu ad regnum suum reparandum pro quo oramus: *adveniat regnum tuum*: et in hoc adventu non erit tempus gratiae, sed ultionis et retributionis in igne et gladio. Ita quod omnes legis Christi adversarii debent perire septem plagis novissimis, ad quarum executionem sunt fideles provocandi.—Item in hoc tempore ultionis quilibet fidelis, etiam Presbyter, quantumcunque spiritualis, est maledictus, qui gladium suum corporalem prohibet a sanguine adversariorum legis Christi, sed debet manus suas lavare in eorum sanguine et sanctificare. Item isto tempore ultionis, quicumque audiverit praedicari vocem Christi, qua dixit: *tunc qui in Judaea sunt, fugiant ad montes*; et qui non exiverit de civitatibus—ad montes corporales, ubi modo Taborienses vel eorum fratres congregantur, ille peccat mortaliter contra praeceptum Christi, et in peccato suo peribit, quia nunc nemo salvari potest a plagis Domini, nisi veniant ad montana. Item hoc tempore ultionis omnes civitates—debent desolari, destrui et comburi, quia jam nec Dominus Deus nec aliquis in eas ingreditur. Item quod fratres Taborienses isto tempore ultionis sunt angeli missi ad educendum fideles de omnibus civitatibus—ad montes, sicut Loth de Sodomis.—Sunt exercitus a Deo per totum mundum missus ad tollendum omnia scandala de regno Christi, quod est Ecclesia militans, et ad ejiciendum malos de medio justorum, et ad faciendum vindictam,—et nationes adversariorum legis Christi et eorum civitates—vertendas.—Item in fine istius consummationis saeculi Christus descendens de coelo manifeste veniet.—ut regnum in hoc mundo assumat, et faciet grande convivium et coenam agni, veluti nuptias sponsae suae Ecclesiae hic in montibus corporalibus.—Item in adventu Christi isto secundo ante diem judicii cessabunt Reges, Principes, ac omnes Ecclesiarum Praelati;—in hoc regno reparato nullum erit peccatum;—parient mulieres infantulos suos sine dolore et peccato originali (Isaiae lxvi.);—parvuli in hoc regno nati—nunquam morientur, quia mors ultra non erit (Apoc. xxi.).—Et dicebant hoc fieri cito infra paucos annos, in quibus aliqui ex nobis remanentes vivi videbunt sanctos Dei resurgentes, et inter eos Mag. Johannem Hus, quia abbreviabit Dominus hoc tempus ultionis, accelerando consummationem saeculi propter suos electos. Item isti electi, qui sic vivi relinquuntur, ad statum innocentiae ipsius Adae in Paradiso, et ut Enoch et Elias, reducentur. Et erunt absque omni fame et siti, et omni alia poena tam spirituali, quam corporali. Qui etiam sancto connubio et immaculato thoro generabunt carnaliter hic in terris et in montibus filios et nepotes absque omni dolore et perturba-

among the Taborites, or Picards, as their enemies usually called them, only a few could at this time be won over to the doctrine that bread and wine in the Lord's Supper were mere signs, and these were stigmatized by the rest with the heretical name of Picards, and banished from Tabor. Several of them also, wandering from place to place, fell into the error of the sect of the Free Spirit, and were called Adamites, but these were soon exterminated by Ziska (1421).<sup>24</sup> However, their name was transferred, by the hatred of their adversaries, to the Taborites in general.

Immediately after the death of Wenceslaus the Taborites began to burn churches and monasteries, and to maltreat priests and monks.<sup>25</sup> Sigismund could entertain no hopes of winning them; but by certain concessions he might easily have induced the Calixtines to acknowledge him as King. But as he threatened all Hussites, by causing a crusade to be preached at once by a Papal legate against the heretical Bohemians,<sup>26</sup> they all united against him: not only did they defend themselves with success against three armies of crusaders, but they even invaded the adjacent German territory.<sup>27</sup> On these occasions the Taborites distinguished

tione, et absque omni peccato originali, nec tunc opus erit baptismate fluminis, quia in Spiritu Sancto baptizabuntur, nec ibi erit sanctae Eucharistiae sacramentum, quia novo modo angelico pascentur, non in memoriam passionis Christi, sed ejus justitiae. Brzezyna then points out in detail the passages of Scripture on which they grounded these opinions, chiefly drawn from the Prophets and the Apocalypse.

<sup>24</sup> Jos. Dobrowsky, *Gesch. der böhm. Pikarden und Adamiten*, in the *Abhandlungen der böhm. Gesellschaft der Wissenschaften auf d. J. 1788*, s. 300 ff., especially Brzezyna's account from MS., there given, s. 317 f. Aeneas Sylvius, *Hist. Bohem.*, c. 41. feigns a founder of the Picards,—Pichardus quidam ex Gallia Belgica, transiisso Rheno, per Germaniam in Bohemiam penetravit, and assumes that the name of Picards has the same meaning with Adamites. Brzezyna records the errors of the Adamites according to an account sent by Ziska to the party of Prague, ex MS. in Dobrowsky, s. 325 ff.

<sup>25</sup> The work of destruction began at Prague the day after Wenceslaus's death, Brzezyna in Ludewig, vi. p. 145 ss.

<sup>26</sup> The crusading Bull issued by Martin V. on 1st March, 1420, is in Cochlaei *Hist. Hussit.*, lib. v. p. 183, and in Schelhorn's *Ergötzlichkeiten aus der Kirchenhistorie*, Bd. 1, s. 607 ff. There were several others in the years 1428 and 1429; see in Brown, *Appendix ad Fasciculum Rerum Expetendarum et Fugiendarum*, p. 611 ss.

<sup>27</sup> Compare especially Brzezyna, l. c. Eberh. Windeck's (councilor to the Emperor Sigismund), *Leben K. Sigismunds*, cap. 72, in Mencken, *Scriptt. Rer. Germ.*, i. p. 1127 ss. Aeneae Sylvii *Hist. Bohem.*, c. 42 ss. Cochlaei *Hist. Hussit.*, lib. v. p. 178 ss. Theobald's *Hussitenkrieg*, Th. i. cap. 88 ff., s. 148 ff.—*Histoire de la Guerre des Hussites et du Concile de Basle*, par Jaq. Lenfant, t. ii. Amst., 1731. 4. *Supplément a l'Hist. de la Guerre des Hussites de M. Lenfant*, par Isaac de Beausobre. Lausanne, 1785. 4. Jac. Lenfant's *Gesch. des Hussitenkriegs*, mit wichtigen das Original berichtigenden Noten von M. Ch. Hirsch. Presburg, 1788, 4 Theile, 8. *Geschichte des Hussitenkriegs*, Zittau u. Leipzig, 1755. 8.



themselves by warlike courage; at first under Ziska's command,<sup>28</sup> after his death, in 1424, divided into two bodies, one of which had the great Procopius for its leader, the other, under the name of the Orphans, elected a council of war, in which the younger Procopius occupied the first place.

After the unsuccessful issue of the third crusade (1431), the enemies of the Hussites acknowledged that nothing could be effected against them by force; and the Council of Basle, persuaded by Julius Cesarini, the same legate who had accompanied the last crusade, immediately undertook negotiations with the Hussites.<sup>29</sup> With the Hussite ambassadors, indeed, who after some delay appeared at Basle in January, 1433, there was only an unsuccessful disputation before the council.<sup>30</sup> However, an embassy from the council, which was sent after them, concluded *com-*

<sup>28</sup> Merkwürdige Lebensgeschichte des Johann v. Trocznow oder sogenannten Zizka, Heerführer der Böhmen, Prag, 1792. 8. Zizka's militärische Briefe u. Verordnungen, von K. Ungar, in the Neuere Abhandlungen d. k. böhmischen Gesellsch. d. Wissenschaften, Bd. 1 (Wien u. Prag, 1791. 4.), s. 371 ff. Diplomatisch-historische Aufsätze über Joh. Zizka, v. Trocznow von Max Millauer. Prag, 1824 (this also forms a part of the Abhandl. d. königl. böhm. Gesellsch. d. Wissensch. Neue Folge, Bd. i., Prag, 1827. 8).

<sup>29</sup> Before this time the Hussites had been referred to this council, but with the request to submit themselves previously to it; see the account of the negotiation of Sigismund with the Hussites at Presburg, in 1429, in J. G. Schelhorn's Beiträge zur Erläuterung der Geschichte, bes. der schwäb. Gelehrten- u. Kirchen-Geschichte, Stück 3 (Memmingen, 1774. 8), s. 77. The Hussites now sought to prove the justice of their cause by public letters to princes and people: see one letter of the year 1430, in Brownii Appendix ad Fascic. Rerum Expetendarum et Fugiendarum, p. 632; another of July, 1431, in Mansi xxix. p. 641, and translated into German in Theobald's Hussitenkrieg, cap. 73, s. 272 ff., in which last they complain especially of this requisition of the council. The letter of invitation from the council to the Bohemians, dd. 15th Oct., 1431 (in Raynald. h. a. no. 24, entire in Mansi xxix. p. 233 ss.), engages, on the other hand: Hic quidquid pertinet ad fidei veritatem,—omni cum diligentia et libertate tractabitur. Licebit liber omnibus exponere, etc. A second letter of invitation of March, 1432 (Mansi xxix. p. 415, and xxx. p. 99), guarantees the Bohemian envoys a safe-conduct, and, indeed, in terms humiliating enough to the council, *promptis et non fictis dabimus animis*. At the same time the council drew up a *Salvusconductus* (Mansi xxix. p. 417), but sent envoys to Agra, to treat there with the Bohemians (Theobald, Th. 1, cap. 79), and afterward at their request gave another *Salvusconductus* (in Mansi xxix. p. 27), in which not only is every security granted to the Bohemians, but also: *in loco vel in locis hospitiorum suorum divina officia sine impedimento nostrorum peragere permittimus*. Moreover: *in generali Concilio—articulos quatuor (see note 19)—oretenus aut in scriptis libere poterunt offerre, aut propalare, Scripturis sacris, beatorumque doctorum verbis, sententiis et rationibus eos declarare, adstruere, persuadere, et, si opus fuerit, etiam ad objecta Concilii generalis respondere, aut cum aliquo vel aliquibus de Concilio super eisdem disputare, aut caritative—conferre, opprobrio, convicio aut contumelia procul motis*.

<sup>30</sup> The speeches of the Bohemian divines, among whom John Rokyczana was the most eminent, may be seen in Martene, Ampliss. Coll., viii. p. 262 ss., and in Mansi xxx. p. 269 ss. The replies of the Catholic divines may be seen in H. Canisii Lectt. Ant. ed. Basnage, iv. p. 467 ss., and Mansi xxix. p. 699 ss.

*pactata* with the Calixtines at Prague on the 30th November, 1433, by which the four articles of Prague, though subject to certain very important limitations, were conceded to them.<sup>31</sup> The Taborites, who were in the highest degree dissatisfied with this arrangement, were entirely defeated by the Calixtines at Böh-

<sup>31</sup> The minutes of the previous negotiations are in Martene, *Ampl. Coll.* viii. p. 596 ss., and quoted thence in Mansi xxx. p. 590, 634, 668. The *compactata* itself, which was concluded between the legates of the council and the plenipotentiaries of the generalis Congregatio Regni Bohemiae et Marchionatus Moraviae, is in Cochlaei *Hist. Hussitarum*, lib. vii. p. 271, and in Leibnitii *Mantissa*, *Cod. Jur. Gent.*, ii. p. 138. In this, peace and unity, and abolition of ecclesiastical censures, were first provided for; then it was determined, *quod nemo deinceps dictum Regnum et Marchionatum propter praeterita infamare praesumat*. Then with regard to the four articles (see note 19). The first article of the Bohemians here runs: *quod communio divinissimae Eucharistiae utilis et salubris sub utraque specie, scil. panis et vini, universis Christianis in Regno Bohemiae, et Marchionatu Moraviae, et locis eis in hac parte adhaerentium constitutis per sacerdotes libere ministretur*. This article was conceded by the legates, with the further statements: *Articulus ille in sacro Concilio discutietur, quoad materiam de praecepto ad plenum, et videbitur, quid circa illum articulum pro veritate catholica sit tenendum, et agendum pro utilitate et salute populi Christiani*. At any rate the priests in Bohemia and Moravia were to admit to communion in both kinds—*eas personas, quae in annis discretionis constitutae reverenter et devote postulaverint*.—*Hoc semper observato, quod sacerdotes sic communicantibus semper dicant, quod ipsi debeant firmiter credere, quod—sub qualibet specie est integer et totus Christus*. *Ac Legati sacri Concilii—mandabunt universis et singulis,—ut dictis Bohemis et Moravis, utentibus dicta communione sub duplici specie, nemo audeat impropere, aut eorum famae aut honori detrudere*. *Et hoc idem faciet sacrum Concilium*. The second article of the Bohemians runs: *Omnia peccata mortalia, et praesertim publica, per eos quorum interest rationabiliter et secundum legem Dei cohibeantur, corrigantur et eliminentur*. The words—*per eos quorum interest*—were too general for the legates, and so they gave the article this shape: *Omnia peccata mortalia, praesertim publica, quantum rationabiliter fieri potest, secundum legem Dei et sanctorum Patrum instituta, sunt cohibenda, corripienda et eliminanda*. *Potestas autem puniendi criminosos non ad privatas personas, sed ad eos tantummodo pertinet, qui jurisdictionem habent in eos fori, distinctione juris et justitiae ordine observatis*. In the third article of the Bohemians: *Quod verbum Dei a sacerdotibus Domini et Levitis idoneis libere ac fideliter praedicetur*, the word *libere* gave offense, and so it was altered to this: *Quod verbum Dei a sacerdotibus Domini et Levitis ad hoc idoneis, et per superiores (ad quos pertinet) approbatis et missis, libere, non tamen passim, sed ordinate et fideliter praedicetur, salva auctoritate Pontificis, qui est praeordinator in cunctis, juxta sanctorum Patrum instituta*. The fourth article of the Bohemians: *Non licet Clero tempore legis gratiae super bonis temporalibus saeculariter dominari*, was conceded with the limitations, 1. *Quod Clerici non religiosi licite possunt habere et possidere quaecunque bona temporalia*, and, 2. *Quod Ecclesia potest licite habere et possidere bona temporalia,—et in eis habere privatum et civile dominium, with the condition, quod ecclesiastici viri bona Ecclesiae debent fideliter administrare, ipsaque bona Ecclesiae ab aliis non debent detineri vel occupari*. The Congregatio generalis, as well as private individuals, were to have power to make proposals in the council, for the abolition of any abuses which arose in reference to the last three articles. The *Intentio sacri Concilii super IV. articulis, quam ipsi Bohemi anno Dom. 1433, d. 7. Dec. observare manuum stipulatione promiserunt*, in Mansi xxx. p. 692, is a ratification of these *compactata* on the side of the council, which, for the most part, repeats these statements word for word, and only in the article on the Lord's Supper contains a lengthened defense of the communion sub una specie.

mischbrod on the 30th May, 1434,<sup>32</sup> and so weakened that they were compelled to keep themselves quiet. The Calixtines, who were now predominant, after the *compactata* had been solemnly ratified at Iglau, acknowledged Sigismund as their King, on the guarantee of certain conditions (1436).<sup>33</sup>

<sup>32</sup> There are letters containing contemporary accounts of this victory in *Mansi xxix.* p. 638 ss., p. 647 s.; comp. Aeneas Sylvius, *Hist. Bohem.*, c. 51. Theobald, *Th.* 1, c. 82, s. 307.

<sup>33</sup> The Bohemians were fully aware that the *compactata* required still further guarantees; accordingly, at a meeting in Brünn, 1435, they demanded of the Emperor (see *Responsio Concilii Bas. facta Ambasiatoribus Imp.*, in *Mansi xxix.* p. 413), quod sua Serenitas personaliter cum eis in perceptione communionis sub utraque specie conveniret, ac Cappellanos haberet, qui sic populo ministrarent; et quod nullus esset in consilio ejusdem et negotiis dicti regni, qui sic non communicaret; et quod religiosi monachi et moniales sine consensu Archiepiscopi et Domini communis loci non admittantur; et quod ipsi habeant sibi eligere Archiepiscopum; requisitions with which the council was naturally much dissatisfied. However, Sigismund promised the Bohemians in a patent, *dd. Albae Regali*, 6. Jan., 1436 (in *Leibnitii Mantissa*, ii. p. 141): 1. Beneficia non conferantur per extraneos in Regno Bohemiae ac Marchionatu. 2. Personae etiam saeculares et spirituales extra Regnum vel Marchionatum nec citabuntur nec judicabuntur. 3. Communicantes sub una specie in saepe tactis Regno et Marchionatu, ne confusa sequatur permixtio, contra proprias illorum voluntates et libertates non sustinebunt, sed duntaxat in locis, in quibus communicatio duplicis speciei temporibus retroactis non servabatur, sustinebuntur. 4. Et ut materia occasioque litium auferatur, loca omnia et singula Ecclesiarum—signabuntur, in quibus—communicatio duplicis speciei in praxi servabatur, ut in futurum perpetuo in eisdem servaretur. 5. Sed et hoc volumus ut per Dominos Bohemos,—Pragam et civitates alias una cum Clero, Archiepiscopus Pragensis una cum aliis Episcopis titularibus eligantur, qui alias dicuntur Suffraganei. Qui quidem electi per nostram dispositionem debitam—confirmabuntur, et in Episcopos consecrabuntur absque quavis pro confirmatione, Pallii exhibitione, aut etiam Notariis persolutione. 6. Scholares Dioecesis Pragensis utriusque, tam sub una quam sub utraque communicantes specie, habilitate et idoneitate ipsorum praesupposita, ad sacros ordines promoveantur et ordinentur. He promises to observe this engagement—in verbo Caesareo, and at the same time to use all means with the Pope and council, ut praefati articuli sum effectum realiter sortiantur. Aeneas Sylvius, *Hist. Bohem.*, c. 52, speaks of still further concessions made by the Emperor: Caeterum inter Bohemos et Imperatorem aliae pactiones (besides the *compactata* of Prague) intervenere, quibus Ecclesiarum praedia occupatoribus jure pignorum relicta sunt, donec certa pecunia reluerentur. Religiosis utriusque sexus, quibus adempta Monasteria essent, exilibus quoque spes reditus interdicta; Rokyzanae Pragensis Ecclesiae praesulatus promissus, de disponendo Ecclesiarum Bohemicarum regimine summo Pontifici facultas ablata. An anonymous contemporary writer, in *Cochlaeus*, lib. viii. p. 300, also mentions the concession here spoken of with regard to the spoliation of Church property, from which also it appears that the Emperor had written other letters about these concessions. The council and its legates took no notice of them. The legates, at the request of the Bohemians, added several articles of explanation to the *compactata*, in order to remove all ambiguity from them; see *Leibnitii Mantissa*, ii. p. 146, 148, and at length, *dd. Iglaviae*, d. 5. July, 1436, an *Executoria super Compactatis* (*Cochlaeus*, p. 289; *Leibnit.*, ii. p. 150). At the same time and place the Bohemian envoys accepted the *compactata*, and solemnly gave in their obedience to the council; see the triumphant account of the legates to the council on the same day in *Mansi xxix.* p. 612. Sigismund went to Prague in August. With reference to the concession of the cup to the laity the Council of Basle, *Sess. XXX. d. x. Cal. Jan.* 1437, composed a decree (in *Mansi xxix.* p. 158) to the effect, quod fideles Laici

## § 152.

## HISTORY OF THE HUSSITES TO THE END OF THIS PERIOD.

Since both of the conflicting parties had concluded this compact, in the hope of thus preparing the way for the sole supremacy of their own doctrine and usages, no real peace could be established thereby. While the Calixtines were vainly endeavoring at the council to carry through fresh demands,<sup>1</sup> Sigismund forgot his concessions, restored as far as possible the ancient ecclesiastical institutions, and obliged the chief of the Calixtines, John Rokyczana, whom he had already confirmed as Archbishop of Prague,<sup>2</sup> to take measures for his own safety.<sup>3</sup> Thus upon Sigismund's

sive Clerici communicantes, et non conficientes, non adstringuntur ex praecepto Domini ad suscipiendum sub utraque specie—sacrum Eucharistiae Sacramentum. Sed Ecclesia—ordinare habet, quomodo ipsis non conficientibus ministretur, prout pro reverentia ipsius Sacramenti et salute fidelium viderit expedire.—Laudabilis quoque consuetudo communicandi laicum populum sub una specie—pro lege habenda est, nec licitum est eam reprobare, aut sine auctoritate Ecclesiae ipsam immutare.

<sup>1</sup> Cochlaei Hist. Hussitarum, lib. viii. p. 310. The Bohemian envoys desired, I. Quatenus pro tollendis litibus, jurgiis et disensionibus in populo nostro ex diversitate communionis indubitanter—sequentibus—dignemini—Regno nostro—dare—uniformem—sub utraque specie sacrae Eucharistiae communionem. In support of this they appealed to the passage at the end of the *compactata*: et omnia alia fient, quae pro observatione dictae pacis et unitatis necessaria fuerint et opportuna. II. Quatenus—providere dignaretur sacrum Concilium Bohemis de bono et legitimo pastore Archiepiscopo et aliis Episcopis. The synod pronounced this demand equitable, but distinctly refused the proposal that Rokyczana should be made Archbishop: de quo non est rationabile, ut ad illam dignitatem promoveatur, cum ad impediendum, perturbandum et dirumpendum pacem et unitatem post firmata compactata fuerit multipliciter machinatus, etc. Likewise, the, III., demand of libertas communicandi parvulos sacra Eucharistia, was refused, and also, IV., the prayer of the Bohemians, permitti suis, ad minus Evangelia, Epistolas et Symbolum in vulgari lingua in Missis et Ecclesiis coram populo ad excitandam devotionem libertari, legi et decantari, because this was—contra compactata, and against the promise of the Bohemians, se conformare ritibus Ecclesiae. V. On the other hand, the petition for a—reformatio et suae Universitatis Pragensis et totius Ecclesiae in capite et in membris—was answered with promises of support.

<sup>2</sup> The deed of confirmation, dd. Iglau, 23. July, 1486, is in Theobald, Th. 1, cap. 85, s. 819. J. D. Koeler, De Joanne Rokyczana, famoso Calixtinorum in Bohemia Pontifice Diss. Altorfii, 1718. 4.

<sup>3</sup> Aeneae Sylv., Hist. Bohem., c. 52: Philibertus Episcopus Constantiensis, natione Gallicus, et collegae sui ex Basilea missi ecclesiasticos introducere ritus, sacerdotes instituere, ex Missarum solemnibus vulgaria verba, cantilenasque detrahere, sanctorum imagines reducere, aquam benedictam in aedibus sacris reponere, baptismatis fontes sacrare, altaria ornare, spurcitas omnes abolere. Paruere complurimi, quibus mens sanior fuit. Rochezanae complices resistere, obloqui, blasphemare, plebem modis omnibus avertere. Ipse quoque inventor malorum ex parochia S. Mariae ante Laetam Curiam, quam propria temeritate invaserat, amoveri minime potuit: neque laniare sermonibus suis inter praedicandum Romanam Ecclesiam praetermisit, legatisque saepe necem per insidias machinatus est. Sigismundus autem quum Ecclesias pollutas intrare nollet,

death (December, 1437) the parties were again in a violent ferment. The Emperor Albert was elected by the Catholics, and resisted by the Calixtines. After his death, in October, 1439, at length they agreed to allow the kingdom to be ruled by two governors, one Catholic and one Calixtine, until his son Ladislaus was of age (1441). After George Podiebrad had become a Calixtine, in 1444, and in 1450 the sole governor, the Calixtines obtained a decided ascendancy. Nevertheless their efforts to restore the peace of the Church remained without success, since they strove to extend the *compactata*, which on the Catholic side were no longer held valid.<sup>4</sup> The Calixtines had already in view a

templum S. Jacobi, quod Fratrum Minorum fuerat, et in quo machinae bellicae tum servabantur, restitui sibi poposcit: annuit civitas, et aliqui monachi introducti sunt, qui verbum Dei praedicarent.—Redierunt et alii, Mendicantes, tum Coelestini, Slavi, servi S. Mariae, Teutones, Hierosolymitani, et nonnullorum Monasteriorum Abbates.—Restituti sunt et cathedralis Ecclesiae Canonici, ac Vicarii et Mansionarii, ornamenta altaribus reddita, divinum officium instauratum.—Cumque nulli essent Ecclesiae reditus,—jussit Imperator, ex fisco regio per singula Canonicorum capita hebdomatim aureum nummum distribui, minoribus Clericis dimidium dari.—In alia quoque templa donaria collata. Nova jam facies urbis, novus populus, verus rediisse religionis cultus apparerat. Quibus ex rebus liquet, Imperatorem, quae foedera cum haereticis percussit, necessitate magis admisisse, quam voluntate; voluisse illum paternam haereditatem quoquo modo intrare, sensimque regni possessione accepta more majorum, subter veram Christi religionem provinciam reducere.—Rochezanam hortari Romanae Ecclesiae se subjiceret; sic posse pontificatum sibi committi; superbienti, et aliena de fide sapientiam ascensum desperandum esse, qui vel consecratus Episcopus ejici deberet. Ille mente superba, et opinione sua inflatus, dietim pejor, dietim venenosior efficit, Monachorum reditum aegerrime ferre, quorum sermones non minus quam suos acceptum iri verebatur. Ob quam rem occurrente inter praedicandum sermone de monachis, *revertunt*, inquit, *novi dietim ad nos Daemones, quos monachos vocant. His studium est ejicere nos de veritate: at si viri fuerimus, prius sanguinem effuderimus.* Id Sigismundus ubi accepit, *imo nos*, inquit, *Rochezanae sanguinem non inviti ante aras libabimus.* Non latuit Rochezanam Sigismundi sermo: qui ex amicis commonitus clam aufugit.

<sup>4</sup> The party of Prague drew up new articles on the 11th June, 1441 (Cochlaeus, lib. ix. p. 335): I. Ut *compactata* cum Ecclesia sancta ab omnibus efficaciter teneantur; III. Ut nullus audeat praedicare, quod tantum sumitur sub una specie, quantum sub utraque, cum hoc sit contra communicantes sub utraque specie; IV. Ut nullus audeat porrigere sub una specie publice vel occulte. Thereupon a great synod was assembled at Kuttenberg, on the 4th October, 1441. Obedience was promised to Rokycana as Archbishop designate, and a confession drawn up in twenty-two articles; see Theobald, Th. 2, cap. 11, s. 86. In these, seven sacraments and the doctrine of transubstantiation were recognized. On the other hand, Art. XVI. runs, that the Lord's Supper should not be received in one kind; and that it is not contrary to the Christian faith, at the desire of the parents, to administer it to little children also. And Art. XXI.: Because priests are men, marriage is not forbidden them in the Divine Scripture, but according to the teaching of St. Paul they may marry; still it were better if they lived, according to St. Paul's wish, in entire chastity. In the year 1444, the cardinal legate, Carvajal, was at Prague, with whom Rokycana had a vehement dispute with regard to the Lord's Supper. (Theobald, Th. 2, cap. 15, s. 142). Meanwhile, the Bohemians exerted themselves, with Eugene IV. and Nicolas V., to obtain the confirmation of Rokycana as archbishop, and even sent an embassy to Rome for this purpose in 1447 (Theobald, cap.

union with the Greek Church,<sup>5</sup> but the fall of Constantinople brought the negotiations to a close. After the short reign of the young and zealous Catholic Ladislaus (1453–1457),<sup>6</sup> George of Podiebrad was elected King. In order to preserve peace without and quiet within, he allowed himself to be crowned by Catholic bishops, and promised obedience to the Church and Pope.<sup>7</sup> How-

16. s. 150), and in 1448 Carvajal made his appearance again in Prague (Theobald, cap. 17, s. 156). The Bohemians desired of him in a letter, in which they recounted the history of their previous negotiations (in Cochlaeus, lib. x. p. 349 ss.), ut quae pro honore et utilitate hujus regni inclyti et nostris juxta Compactatorum tenorem facienda sunt, sinem debitum effectualiter sortiantur; Magistrum quoque Joannem de Rokyczana—dignetur Paternitas vestra Rev. in Archiepiscopum Pragensem ad nostrum et totius regni singulare solatium consecrare. Carvajal answered this petition evasively, and demanded in turn restitution of the Church property which had been despoiled (l. c. 353). In the year 1451 Aeneas Sylvius was in Bohemia as ambassador for the Emperor, and had a conversation with George Podiebrad, which he records, Epist. ad Jo. de Carvajal Card. (Aeneas Sylv., Epist. 130.) George complained that the *compactata* were not observed on the Catholic side: si qui ex nostris apud vos moriuntur, cum asinis sepulturam accipiunt. Aeneas answered: Cur violari foedus conquerimini, quod priores rupistis? Neque enim sufficit vobis sub duplici specie communicare, nisi et sub una sola communicantes damnetis.—Vobis indulta est sub utraque specie communicatio, jussi tamen sacerdotes vestri sunt,—commonere—omnes,—sub qualibet totum—esse Christum: nihil faciunt. Prohibiti sunt infantibus atque dementibus eucharistiam porrigere: porrigunt tamen. Neninem communicare sub duplici specie debent [*compellere*]: compellunt, sepulturam negantes, ni communicent.—Debent universalis Ecclesiae ritum tenere: postponunt, divinis officiis vulgaris carminis commiscentes.—Cum ergo abutimini privilegio,—praevaricantes mandata Concilii, haud jure Legatum (the Cardinal Carvajal) accusatis, compactata firmare nolentem: quia privilegium amisistis male utentes. Aeneas specifies three points of dispute: Mihi tribus ex rebus concordia pendere videtur, ex compactatis, ex bonis ecclesiasticis quae occupantur, ex Archiepiscopi constitutione, quae nec parva sunt, nec leviter componenda. Nam compactata, postquam violata sunt, rursus innovare magnum est: qui bona Ecclesiarum occupant, invite restituent: in Archiepiscopo vos ipsi vim facitis, qui Rochezanam petitis neque alium vultis, quem, nisi me fallat opinio, nunquam sedes Apostolica ad id fastigii promovebit. Soon afterward, still in the year 1451, the celebrated Franciscan, Jo. de Capistrano, was commissioned by Nicolas V. to preach against the Bohemians, and furnished with full power (Cochlaeus, l. x. p. 368), omnes personas, quae sub utraque specie communicarunt, ac alias erroribus, haeresi et superstitione involuti a ritu et unitate s. Rom. Ecclesiae recesserunt, if they were converted, to absolve and reappoint them, etc.

<sup>5</sup> See the friendly letter from the church of Constantinople to the Bohemians, in the year 1451, drawn forth by these attempts, at the end of D. Chytraei Oratio de Statu Ecclesiarum in Graecia, Asia, Bohemia, etc. Francof., 1583. 8, in Flacii Cat. Test. Vorit. ed. Francof. 1666, p. 728, and in Freheri Scriptt. Bohem., p. 235.

<sup>6</sup> Who, indeed, before receiving homage, had to repeat all the promises made by Sigismund (§ 151, note 33. Theobald, Th. 2, cap. 20, § 190), but still he did not conceal his aversion to the Utraquists (Theobald, s. 193 ff. Cochlaeus, lib. xi. p. 391 ss.).

<sup>7</sup> Cochlaeus, lib. xi. p. 411. Theobald, Th. 3, cap. 5, s. 25. The coronation oath, in Latin, is in Steph. Kaprinai, Hungaria Diplomatica temp. Matthiae Regis, P. II. (Vindobon. 1771. 4), p. 163, and in contemporary German translations, *ibid.* p. 529, and in Eschenloer's *Gesch. d. Stadt Breslau*. Bd. 1, s. 59: Ego—promitto,—atque juro,—quod abhinc, et in antea, et deinceps fidelis et obediens ero sacrosanctae Romanae et Catholicae Ecclesiae, ac sanctissimo Domino nostro—Calisto—P. III., ejusque successoribus canonice intransibus, et iis obedientiam et conformitatem more aliorum catholicorum—

ever, a strict observance of the *compactata*, such as George intended when he took this oath, was not possible in the violent strife of parties. The Calixtines were held by the Catholics to be heretics, whom the King in this oath had sworn to exterminate. The Calixtines, on the other hand, never gave up their wish to drive the opposite party from Bohemia.<sup>8</sup> Pius II., at first holding back on other accounts,<sup>9</sup> in 1462 declared the *compactata* invalid;<sup>10</sup>

Regum in unitate orthodoxae fidei, quam ipsa s. Romana—Ecclesia—tenet, fideliter observabo, ipsamque catholicam—fidem protegere—volo toto posse, populumque mihi subiectum secundum prudentiam a Deo datam ab omnibus erroribus, sectis et haeresibus, et ab aliis articulis s. Romanae Ecclesiae et fidei catholicae contrariis revocare, et ad verac—fidei observationem, ac obedientiam, conformitatem, et unionem, ac ritum cultumque s. Romanae Ecclesiae reducere et restituere volo. The words *ac ritum* are not expressed in the German translations, and so may well be an interpolation of later times.

<sup>8</sup> Breslau was most stubborn in opposition to the new king. These transactions are described at length by Peter Eschenloer, recorder of the city of Breslau at the time, in his *Gesch. der Stadt Breslau, 1440-1479*, edited by Kunisch, 2 Bde. Breslau, 1827 and '28, 8. In a somewhat passionate letter which the people of Breslau transmitted, in 1459, to the Papal legate, who was striving for a reconciliation, is the following passage, Eschenloer, Bd. 1, s. 131: "Seine Heiligkeit sehe wohl zu, dass sie nit betrogen werde, als one allen Zweifel geschehn wird, durch des Königs Gelübd und Aide. Seine Heiligkeit hat ufgenommen seine Aide, dass er die Ketzerei wolde lassen und tilgen: wie aber dagegen er hat geschworen seinen Sectern, dass er sie wolle beschirmen, ire Secte halten und meren, muss er nit einem Teile meineldig werden?—Wenn der schnöde Erketzer Rokyczan also frei itzunder ist, und grössere Macht hat, denn je vormala. Er bezwinget itzo das Volk zu beider Gestalt sich zu berichten, die das nit tun wollen, werden gepeinigt, gefangen u. s. w. S. 132: Und die sich unter einer Gestalt lassen berichten, sind von inen als Ketzzer verworfen und verschmehet, und so dieselben sterben, werden sie begraben, da man die Uebeltater pfeget zu richten, und uf dem Felde." The legate's answer is extraordinarily mild, s. 139: "diser König hat nicht geschworen, die Ketzerei zu furdern, sondern mit einfältigen Worten hat er gesprochen, dass er sie in irer Gewonheit wolle lassen; und das ist nicht alleine nicht Sünde, sondern auch weislich getan.—Ir wisset wol, ob in Behem vil Ketzzer sein, ob sie mechtig sein, ob sie durch Fride und one Blutvergiessen zu vertreiben sein. Und so ir die Warheit sagen wolt, ir werdet in euer Weisheit selber raten, dass man sie nicht mit Ernst, sondern mit Sanftmütikeit nicht sol überhaupt, sondern langsam mällig in bequemer Weise bekeren. Und ob der König in solcher Geduld und Enthaltung etliche aus inen libet, nicht durch Ketzerei willen, sondern dass er sein Freund oder Diner ist, ob er darum sei ein Ketzzer zu heissen oder Libhaber der Ketzzer? Diss sol von euch ferne sein, wan mit offenbaren Sundern asse und trunke Jesus, nicht dass er die Sünder libet, sondern die Personen und die Selen. S. 142: Auch dass in Behem vil Ketzzer sind, darumb sollet ir euch von inen nicht teilen, sondern sie leiden und dulden, als da saget S. Augustinus, sprechende: Du guter Mensch leide der Bösen, weil Christus Judam duldet," etc. [Translated in the Appendix.] Here may be seen how a crafty Roman, according to circumstances, could also profess Christian principles toward heretics.

<sup>9</sup> Pius II. wished for George's assistance in the Turkish war, and accordingly even invited him to the convention at Mantua; Cochlaeus, lib. xii. p. 416.

<sup>10</sup> See *Relatio Hist. Anonymi synchroni complectens res aliquas Hungaricas, potissimum vero Bohemicas, ab anno 1458, ad ann. 1469*, in Steph. Kaprinal, *Hungaria Diplomatica temporibus Matthiae Regis*. P. II. (Vindob., 1771. 4), p. 577 ss. In 1462 George sent ambassadors to Rome to promise obedience to the Pope in form, and to receive the

George strove in vain, by protecting the Catholics strictly in accordance with the *compactata*, to keep them upon his side.<sup>11</sup> Paul II. at length proceeded to excommunicate and dethrone him (December, 1465);<sup>12</sup> and then issued repeated summons for a

ratification of the *compactata*. But Pius II. answered them as follows (l. c. p. 580 ss.): Quae vos *compactata* vocatis, Oratores insignes, Apostolica Sedes neque novit unquam neque accepit.—Non consuevit haec sancta Sedes—in his, quae articulos fidei concernunt, pacta facere; sed catholicam fidem—omnibus libere praedicare.—De his, quae vos *compactata* vocatis, nullae Basilienses (esto, quod Basileae aliquando, et tunc praesertim, generale Concilium fuisset) litterae unquam apparuerunt, sed nec hodie apparent: soli compactatorum amatores copiam quandam, seu ut ipsi dicunt transsumtum quoddam cujusdam, qui se Constantiensem Episcopum nominat, ostendere possunt, quod quantam in tam gravi re fidem faciat, quantum illi credendum sit, etiam nobis tacentibus quilibet intelligit. But even if they desired to claim the validity of the *compactata*, these had not been observed by the Bohemians themselves. Animadvertite, communionem sub utraque specie his Bohemis demum concedi, qui in aliis omnibus sese Romanae Ecclesiae conformaverint.—At—notum est, Bohemos hactenus in nullo Sedem Apostolicam recognovisse, quinimo ab illius obedientia semper declinasse, illius mandata sprevisse, novos ritus, novas haereses introduxisse.—Sed et illud notorium est, neque vos negabitis, imo in hoc sacro Consistorio publice asseruistis, in Bohemia ab omnibus, qui *compactata* colunt, hoc palam praedicari, communionem sub utraque specie de necessitate salutis esse, qua de re vos ea tanquam talia a nobis et Apostolica Sede confirmari petitis: cum tamen in *compactatis* dicatur, articulum de necessitate salutis in Concilio discutendum esse: qui et ibidem discussus est, decretum quoque est, de necessitate salutis non esse sub duplici specie communicari (see § 151, note 85). The Bohemian priests did not teach according to the directions of the *compactata*, sub qualibet specie totum Christum contineri, but on the contrary, communionem utriusque speciei de necessitate salutis esse. Then, it was determined in the *compactata*—Concilium concessurum communionem utriusque speciei, si Bohemi in desiderio sic communicandi perseveraverint, et hoc eorum ambasiatores indicaverint Concilio: but this had not been done. Ruunt itaque ex omni parte *compactata* vestra, quae neque vos servastis unquam, neque, etiamsi servata fuissent, communicandi sub utraque specie Bohemis licentiam praestant, praesertim his, pro quibus nunc illud petitis, qui tunc, tempore compactatorum, aut nati non fuerunt, aut saltem talem usum communicandi minime habere potuerunt. Cf. Pii II. Commentarii a Jo. Gobelino compositi, lib. vii. p. 188. The German translation of the Pope's answer in Eschenloer, Bd. 1, s. 181, made from the copy which the Pope sent to Breslau, is quite different in style. King George immediately called together his estates, and complained of the Pope's proceeding (Cochlaeus, lib. xii. p. 427): Miramur quod Papa facit. Fortassis iterum hoc regnum, quod vix per *compactata* unitum est, et ad tranquillum statum pervenit, disjungere vult. In order to refute the charge that he had not kept his coronation oath, he had it read aloud: juravimus haereticam pravitatem velle abjicere, et omnes haereses de Regno nostro delere.—Sed quod Papa velit communionem et nostra *compactata* haeresim facere, numquam fuit de intentione nostra.

<sup>11</sup> Even Cochlaeus, lib. xii. p. 411, bears him witness: quod stirpi deerat, industria supplevit, qua sibi Rex tantam comparavit auctoritatem et gratiam, ut, si una defuisset labes Hussiticae sectae,—inter optimos Reges haud immerito commemorari posset. Quis enim fuit eo vel in consiliis circumspicior, vel in armis expeditior, vel in judiciis aequior, vel in regia potestate moderatior? Quamvis enim Hussitarum sectae adhaeret, Catholicos tamen Imperio suo subjectos a sacris et ritibus Ecclesiae non arcuit, neque in sectam suam coëgit. Comp. p. 488 a.

<sup>12</sup> The bull, dd. 1465, vi. Idus Dec., which is wanting even in Raynald, may be seen in German in Eschenloer, Bd. 1, s. 296. That the first excommunication followed in the December of 1465, not 1466, see Mansi ad Rayn., 1466, no. 27; see also the King's pa-



crusade against him.<sup>13</sup> Nevertheless the writings published by George in defense<sup>14</sup> made more impression than the Papal censures; even the German Universities declaimed against the proposed crusade,<sup>15</sup> and accordingly it made insignificant progress. However, Matthias, king of Hungary, consented to receive the kingdom of Bohemia as a gift from the Pope, and took possession of Silesia, Moravia, and Lusatia. In Bohemia itself, George maintained his right; and after his death (1471) the Polish prince Wladislaus was chosen to be his successor. Matthias, as well as the Pope, strove in vain to supplant him,<sup>16</sup> and in 1490 he even succeeded Matthias in Hungary. Although Wladislaus was himself a Catholic, and at first, in his weakness, yielded to Catholic insinuations, nevertheless the Calixtines were still so powerful, that

tent in Eschenloer, Bd. 1, s. 321.—There is a repetition of these sentences in the bull of 23rd December, 1466; in Eschenloer, Bd. 1, s. 350, dd. vii. Kal. Apr., 1467 (on Maundy Thursday); in Rayn. ad h. a. no. 1.

<sup>13</sup> Raynald, ann. 1467, no. 8; 1468, no. 4. Theobald, Th. 3, cap. 16, s. 94.

<sup>14</sup> George's letter of grievances to all Kings and Princes on the 28th July, 1466, is in Eschenloer, Bd. 1, s. 316. His appeal to a general council drawn up by Gregory of Heimburg (see § 133, note 29), dd. 14th April, 1467, is in Eschenloer, Bd. 2, s. 12 ff. There also appeared in print a Christian apology against the Pope's unchristian conduct, in the Bohemian, German, and Latin languages. Theobald, Th. 3, cap. 16, s. 93.

<sup>15</sup> Eschenloer, Bd. 2, s. 16: "Da nun also dise Appellatio (see note 14) überall in dem Königreiche, und auch in vile deutsche Lande von Girsige (Georg) ausgesant ward, warde sie mehr verglimpfet, dan gestraffet. Es hatte die bābstliche Arbeit kein Lob, keinen Dank, noch Annemikeit:—sondern alles was Girsik anhube oder fursatzte, warde von aller Welt gelobet und billich gesaget." S. 17: "Die Fürsten von Meissen, von Brandenburg mit iren Bischöfen, und besonders die Erzbischöfe Germania bekommen sich in dieser Sache, und lobeten nicht diss bābstliche Fürnemen. In iren Landen und Stäten ward Fluchen und Schelten wider den Babst,—dass der Babst die Behmen, die gerne in Friden wolten sitzen,—aber zu Streit wolden erwecken,—da doch ire streitbarliche Hande vormals, da auch alle Christenheit wider sie gewest were, stetiglich betten überwunden, Land und Leute verderbet. Dise Herrschaften lissen darauf in den hohen Schulen zu Leipzig und Erfort durch die Lerer fragen, ob ziemlich were, wider die Behmen zu streiten, die doch gerne Fride hetten, ob man mit Ketzern möchte Fride haben, ob man sie solde morden, und zum Glauben bezwingen. Da was in diser Zeit ein sonderlicher grosser Lerer in dem Orden der Cartheuser zu Frankfurt a. d. Oder, von allen Leuten in der Lere und Heilikeit gross geachtet, diser schribe hierauf vil: auch in den genannten Schulen durch die Meister vil Handlungen darinnen warde gehalten und geschriben: und alles beschliesslich dass die bābstliche Heilikeit mit dem behmischen Volke, so als sie in Friden begerten zu sitzen, nicht so hartiglichen umbgehen solde, sondern sanftmütig und in vaterlicher Meinunge und Unterweisung, mit Tage legen, als Girsik begeret hette, mit Legaten senden." [Translated in the Appendix.] Then it was told how these learned men had proved from Scripture that no man should be compelled to accept the Christian faith, and that heretics who wished for peace were not to be murdered, but only avoided.

<sup>16</sup> Sixtus IV. pronounced the oath taken to Wladislaus invalid, and that Matthias was rightful King of Bohemia, Raynald. 1472, no. 32. In the year 1478 a treaty of peace was effected (see this in Eschenloer, Bd. 2, s. 388 ff.), according to which Wladislaus retained Bohemia, but Matthias Moravia, Silesia, and Lusatia.

the *compactata* remained in full force.<sup>17</sup> Wladislaus died in 1516.

Under Sigismund the Taborites, though weakened, enjoyed unbroken freedom.<sup>18</sup> Rokyczana made vain attempts to unite them with the Calixtines.<sup>19</sup> Aeneas Sylvius found them in 1451 still quite unchanged in their peculiarities;<sup>20</sup> but after George

<sup>17</sup> Restrictions upon the Utraquists, after 1480; Theobald, Th. 3, cap. 25, s. 137. The *compactata* were once more restored by the Kuttenberg treaty of 1485; Theobald, Th. 3, cap. 27, s. 149.

<sup>18</sup> Cochlaeus, lib. viii. p. 280: *Quamvis exciso eorum exercitu—in armis non ita confiderent, ut prius, Taboritae: aliis tamen rationibus pertinaciam suam tueri quaerebant. Habebant sane oppidum Tabor in excelsa rupe munitissimum, habebant multas Communitates sibi adhaerentes, habebant sacerdotes argutos et in sacris literis exercitatos, etc. Aeneas Sylv., Hist. Bohem., c. 52: Taboritae, qui superioribus cladibus superfuerant in oppido conservati, ea lege in gratiam recepti, ut quinquennio toto suis moribus viverent, religionis cultum mutare non cogentur, jura civitatis haberent. Afterward, indeed, Sigismund declared, quinquennium haud expectaturum se, correpturum prope diem sceleratae civitatis insaniam: however death prevented him.*

<sup>19</sup> There was a colloquy of the two parties at Kuttenberg, 4th July, 1443, in which Rokyczana, as chief of the Calixtines, and Nicolas Biscupecz, as chief of the Taborites, conferred with each other. Theobald, Th. 2, cap. 14, s. 123. Here the Taborites gave in a confession in fifteen articles, in which they insisted on the supreme authority of Holy Writ, and on the use of it in the mother tongue. They pronounced the doctrine of justification by faith alone to be the most important, the confession of which should be the condition of membership in the Church; they acknowledged two sacraments, Baptism and the Lord's Supper, and rejected images and purgatory. Art. XII.: "Das Sacrament des Altars ist ein schlecht unverwandelt Brot, wie auch Wein, so ein Zeichen des Leibs und Bluts Christi, der im Himmel ist, welches ihm der Glaube zueignet, ohne welchen Glauben keiner rem sacramenti, d. i. die geistliche und himlische Ding, den Leib und das Blut Christi, empfangen kann." Accordingly the sacrifice of the mass and the adoration of the host were rejected. In the colloquy there was a discussion upon transubstantiation, and the communion of young children, both of which the Taborites denied. A second conference at Prague, in 1444, remained as unsuccessful as the former (Theobald, Th. 2, cap. 15, s. 181). Compare the letter of Nic. Biscupecz to one of the elders of the Taborite community at Muhlitz in Moravia. Theobald, l. c. Memorials of this controversy, still extant, are Jo. Rokyczanae Tract. de VII. Sacramentis, at the end of Cochlaei Hist. Hussitarum, p. 442 ss., and the Taborite's, Jo. Lukawitz, Confessio Taboritarum contra Rokenzanam et Papistas Pragenses, in Balth. Lydii Waldensia, Roterod. 1616. 8, p. 1 ss.

<sup>20</sup> Aeneas, Ep. Senensis, Epist. ad Jo. de Carvajal Card. (Aeneas Sylv., Epist. 180): *Ex illis aliqui nudi erant solis tecti camisiis, alii pelliceas tunicas induerant. Alii sella carebant, alii freno, alii calcaribus. Alteri crus occreatum fuit, alteri nudum: huic oculus defuit, illi manus.—Incedendi nullus ordo, loquendi nulla modestia, barbaro et rusticano ritu nos exceperunt. Obtulerunt tamen xenia, pisces, vinum, carevisiam. Sic oppidum ingressi, locum vidimus. Quem nisi haereticorum arcem aut asylum vocem, nescio quo appellem nomine. Nam quaecunque deteguntur inter Christianos impietatis ac blasphemiarum monstra, huc confugiunt, tutamentumque habent, ubi tot sunt haereses quot capita, et libertas est quae velis credere. In the following picture of the doctrines and customs of the Taborites, the statements printed in Italics are false (compare note 19): Romanam Ecclesiam nolunt habere primatum, aut proprii Clerum habere quicquam. Imagines Christi Sanctorumque delent. Ignem purgatorium inficiantur. Nihil Sanctorum preces jam cum Christo regnantium prodesse mortalibus asseverant. Festum diem praeter Dominicam et Pascalem non agunt, jejunia spernunt, horas canoni-*

Podiebrad conquered Tabor, in 1453,<sup>21</sup> the Taborites vanish from history as a distinct party. However, during the strife of parties in the Church, their religious doctrines, in a purified form, appealing to and seizing upon a more profound experience, had found acceptance even among the Calixtines; and so, about the year 1450, a new party first made its appearance in Prague,<sup>22</sup> favored

cas abjiciunt. Eucharistiam sub specie panis et vini et *parvulis et dementibus praebent*. Conficientes nihil praeter orationem dominicam et verba consecrationis dicunt, neque vestimenta mutant, neque ornatus assumunt aliquos: quidam vero eousque disipiunt, ut non verum Christi corpus in sacramento altaris, sed repraesentationem quandam esse contendunt, errantis Berengarii, non conversi, sequaces. Ex sacramentis Ecclesiae baptismum, eucharistiam, *matrimonium ordinemque* recipiunt: de poenitentia parum sentiunt, de confirmatione et extrema unctione nihil. Monachorum religionibus infestissimi sunt, inventionesque diabolicas asserunt esse. Baptisma simplicis undae volunt. Nullam aquam benedicunt. Cimiteria non habent consecrata: cadavera mortuorum in campis, et ut digna sunt cum bestiis sepeliuntur: vanumque censent orare pro mortuis. Ecclesiarum consecrationes derident, et in omnibus locis passim conficiunt sacramentum. Nulla major his cura est quam sermonis audiendi. Si quis negligens est, domique torpet, aut negotio ludove vacat, dum sermo est, virgis caeditur, et intrare ut verbum Dei audiat compellitur. Est illis domus quaedam lignea similis horreo raris: hanc templum appellant. Hic populo praedicant, hic legem per omnes dies exponunt, hic altare unicum habent, neque consecratum, neque consecrandum, ex quo sacramentum plebibus exhibent. Sacerdotes neque coronas ferunt, neque barbas tondent: his Taboritae frumento, cerevisia, lardo, leguminibus, lignis et omni suppellectili necessaria publice domum complent, et addunt in singula capita singulis mensibus sexagenam (a penny tax), ex qua pisces, carnes recentes, et si velint vinum emant.—Fratres se invicem appellabant, et quod uni defuit, alter subministravit: nunc sibi quisque vivit, et alius quidem esurit, alius autem ebrius est.—Reversi ad ingenium avaritiae jam omnes student, et quis rapere ut olim nequeunt,—lucris inhiant mercaturae, sordidosque sequuntur quaestus. Sunt in civitates ad quatuor millia virorum, qui possent educere gladium: sed artifices facti lana ac tela ex magna parte victum quaerentes inutiles bello creduntur. In the same year, Aeneas was again at Tabor, and there held a conference with several clergy, among others with a certain Nicolas, quem dicunt Episcopum, at which were also present—scholares et cives plurimi latinum edocti sermonem. Nam perfidum genus illud hominum hoc solum boni habet, quia litteras amat.

<sup>21</sup> Theobald, Th. 2, cap. 19, s. 180.

<sup>22</sup> Jo. Lasitii (a Polish nobleman about 1580, who went over to the Brothers) de Origine et Rebus Gestis Fratrum Bohemorum, lib. viii. Of this work, lib. viii. is printed *qui est de moribus et institutis eorum. Adduntur tamen reliquorum vii. librorum argumenta et particularia quaedam excerpta.* ed. Jo. Amos Comenius, 1649. 8; a new edition, with the omission of the *Argumenta*. Amst., 1660. 8. The work is still extant entire in MSS., Baumgarten had one in his possession; see Nachrichten von merkw. Büchern, Bd. 6, s. 139. Joach. Camerarii Historica Narratio de Fratrum Orthodoxorum Ecclesiis in Bohemia, Moravia, et Polonia (written about 1570), nunc primum ed. Ludovicus Camerarius. Heidelberg (1605). 8. Systema Historico-chronologicum Ecclesiarum Slavonicarum per Provincias varias—distinctarum, libb. iv., opera Adriani Regenvolscii (i. e. Andreae Wengerscii), Traj. ad Rhen. 1652 and 1679. 4. Jo. Amos Comenii (Bishop of the Brothers in Poland, † 1671 at Amsterdam) Hist. Fratrum Bohemorum, eorum Ordo et Disciplina Ecclesiastica. Amstelod. 1660. 8, cum praef. Jo. F. Buddei. Halae, 1702. 4. D. Joh. Gottlob Carpzo's, Superint. zu Lübeck, Religionsuntersuchung der böhm. u. mährischen Brüder, von Anbeginn ihrer Gemeinen bis auf gegenwärtige Zeiten. Leipzig, 1742. 8. G. W. K. Lochner's Entstehung und erste Schicksale der Brüdergemeinde

in the beginning by Rokyczana himself,<sup>23</sup> which had adopted the religious principles of the Taborites, but not their superstition and fanaticism. This party was soon greatly increased, chiefly by the accession of many of the Taborites;<sup>24</sup> it also spread far and wide in Moravia;<sup>25</sup> and at length, in 1457, under the names of Brethren of the Law of Christ, Brethren, Brethren in Unity, separated entirely from the Church.<sup>26</sup> When, upon George's accession to

in Böhmen und Mähren, und Leben des Georg Israel, ersten Aeltesten der Brüdergemeinde in Grosspolen. Nürnberg, 1832. 8.

<sup>23</sup> They even received their first impulse from him, as he was at that time preaching vehemently against the Papacy; and his sister's son Gregory was the most eminent among the first Brethren (Comenius, ed. Budd., p. 14); see *Prima Epist. Fratrum ad Jo. Rokyzanum*, in *Camerarius*, p. 61: *Gratisissimae nobis, valdeque jucundae tuae fuerunt conciones. Primum enim sedulo nos hortabaris ad vitandum et fugiendum horribiles errores Antichristi, his jam postremis temporibus reiecti.—Praeterea testabaris, diabolum omnium Sacramentorum abusum introduxisse, miserum vulgus falsam salutis spem in iis reposuisse. Monstrabas denique, quomodo pii et veri Christiani sacramenta—percipere debeant.—Et breviter tristissimum esse dicebas et miserum religionis statum, praesertim eo anno, cum Rex adolescens rerum potiretur (Ladislaus, 1458). Nos vero his auditis magno afficiebamur dolore.—Insuper cum videremus multa et varia dogmata spargi,—perturbati erant animi nostri,—ita ut nesciremus, utrum his vel illis assentiri deberemus.—Commendabas nobis Petrum Chelezitium, quicum nos tandem collocuti sumus, ipsiusque scripta legimus, ac plurima demum tum inter sacerdotes, tum inter populum, male et extra ordinem fieri, facile perspeximus; ita ut etiam de te spem minime bonam conceperimus, cum videremus, te sequi ea, quae tua ipsius conscientia vitanda et fugienda esse iudicaret. Cumque de his tecum colloqueremur, tu haec ad nos, *Scio, inquisti, vos vera sentire: sed si mihi suscipienda est causa vestri, eadem perferam convitia, in idem incurram dedecus, parique ignominia afficiar necesse est.—Coacti sumus edere confessionem fidei nostrae: ubi exposuimus, quid sentiremus de sacramento coenae Domini (nam de hoc potissimum capite sententiam nostram sciscitabaris).—Nihil erat, cujus nos argueres, praeter quod ritus quosdam seu ceremonias ecclesiasticas permutaverimus.**

<sup>24</sup> Esrom Rüdiger, son-in-law of John Camerarius, professor at Wittemberg, who went over to the Bohemian Brethren, and was teacher at the gymnasium of Evanzig in Moravia, says, in his *Narratiuncula de Fratrum Orthodoxorum in Bohemia et Moravia Ecclesiis*, written A.D. 1579, in *Camerarius*, p. 159: *Hoc tantum monebimus, Taboritarum seu Taborensium nequaquam pudere nostros debere (quod aliquibus tamen accidisse jam olim, et nunc etiam accidere videtur), quos in majoribus suis habeant atque recenseant.—Horum stirps sunt nostrae Ecclesiae, quicquid dicant aut comminiscantur aliqui.—Et qui postea Fratres, et tam Taboritae nominati sunt,—in iis sine dubio Taboritarum superstitum fuit aliquid, et multum quidem: qui tamen Fratres non doctrinae, sed studii certi professione a Taboritis se discriminare voluerunt. Territi enim clade et pene intereptione Taboritarum, et nomen hoc aversati sunt, et armis pro se et suis propugnare amplius noluerunt (quod tamen etiam tum non potuisse videntur), neque cum adversariis Pontificiis et Calixtinis disputando aut scribendo conflictari ipsis libuit, sed tantum veritatem ad suos docere et sectari, et expectare atque ferre extrema etiam omnia.*

<sup>25</sup> The beginning of their community in this country was at Cremza or Cromerzig. Many of them were driven by persecution to escape to Bohemia; see *Lochner*, s. 25.

<sup>26</sup> *Prima Epist. Fratrum ad Rokyzanum*, in *Camerarius*, p. 64: *Ne existimes, quod propter ceremonias aliquas, vel ritus ab hominibus institutos sejunxerimus nos a vobis, sed propter malam et corruptam doctrinam. Si enim potuissemus veram illam fidem in*

the throne, he and Rokyczana endeavored in every way to obtain the Papal recognition, the one as king, the other as archbishop: they thought themselves obliged to display their orthodoxy by intolerance toward the Brethren. Rokyczana first persuaded the King to banish them to the distant region of Liticz in Leutomischl in the Riesengebirge (1461). However, as the new community, instead of vanishing in obscurity, continued to spread, a most severe persecution was every where commenced against them, which obliged the Brethren, as long as George reigned, to hide themselves in deserts and caves (hence their name Jamnicii, burrowers).<sup>27</sup> Nevertheless, at this time, their Church constitution was formed, by the election of the first elders, in a solemn assembly at Lhola, 1467.<sup>28</sup> Under the reign of King Wladislaus more peaceful days began for them, although the Calixtines often sought, by both kind and severe measures, to draw them over to themselves.<sup>29</sup> A few nobles joined them, under whose protection they were able to build houses of prayer. Their confessions of faith, sent in to King Wladislaus in 1504 and afterward, give evidence as to their doctrinal views.<sup>30</sup>

J. Chr. dominum nostrum apud vos conservare, nunquam profecto secessionem hanc fecissemus. Sed cum videremus, tum vos ministros, tum populum his flagitiis et sceleribus contaminari, neque puram a vobis et integram usurpari religionem; coacti sumus salutis nostrae causa a coetu vestro discedere, ne vel tanta scelera et facinora vobiscum perpetrantes, vel saltem in iis conniventes, aeternas tandem poenas una vobiscum sustineremus.—Nos sine intermissione his temporibus turpissime a sacrificiis infamamur, qui negant nos habere veram fidem de sacramento corporis Christi, et hac ratione magnum acerbumque imperitae multitudinis odium in nos concitant. Sed scias tu, et universi, nos ita credere, quemadmodum Christus dixit, Apostoli scripserunt, et primitiva Ecclesia docuit. Quod vero contrarium excogitatum, aut additum, aut ad alium usum, quam Christus voluit, accommodatum est, hoc ex animo aversamur.

<sup>27</sup> *Historia Persequutionum Ecclesiae Bohemicae* (with no statement of the place of publication, or the author's name, supposed to be by John Amos Comenius), 1648. 12.

<sup>28</sup> Camerarius, p. 92. *Hist. Persequutionum*, cap. 20, § 2-6, and agreeing word for word with the latter, Comenius, ed. Budd. p. 17. The *Hist. Persequut.* and Comenius add the story, that soon after Michael of Szamberg was sent, to receive episcopal consecration, to the Waldensian bishop, Stephen, who being banished from France had settled in Austria, and was soon after burned to death at Vienna. With regard to the pretended apostolical succession of these bishops, see the true state of the case, vol. ii. § 90, note 29. However, it is strange that Camerarius makes no mention of the above circumstance, although he speaks of Stephen, p. 116.

<sup>29</sup> Lochner, s. 88.

<sup>30</sup> In three letters to this monarch, in the years 1504, 1507, and 1508, in the *Fasciculus Rerum Expetend. et Fugiendarum*, ed. Edw. Brown, p. 162 ss., and in Balth. Lydii *Waldensia* (t. i. Roterod. 1616; ii. Dordraci, 1617. 8), t. ii. p. 1 ss. Here they bring forward their agreement with the Catholic doctrine more prominently than their deviation from it: they express themselves most plainly with regard to the latter, in the third letter, *Excusatio contra binas litteras D. Augustini datas ad Regem*. With reference to the Lord's

## § 153.

## ISOLATED EFFORTS FOR REFORM.

A recognition of the decline of the Church was universally diffused and encouraged by the Councils of Constance and Basle, although of course it existed in very different degrees in different individuals. The incapacity and moral corruption of the clergy were most generally felt and complained of. Rome was always ready to renew the rules of discipline so often before repeated; but so soon as the reform of the curia itself was demanded, or any alterations of institutions advantageous to its avarice, it offered a stubborn resistance, with persecutions. Indignant at the excess of the evil, individual men of loftier spirit arose, like the prophets of the Old Testament, full of warning and zeal: they found also the same fate with these. The Carmelite, Thomas Conecte, came forward in Flanders as a preacher of morality with great success:<sup>1</sup> he was burned to death at Rome in 1432.<sup>2</sup> An-

Supper, they repeatedly state their doctrine to this effect: *quando Presbyter rito ordinatus verba testimonii Christi expresserit, continuo panis est corpus Christi verum, naturale, ex castissima virgine sumptum, similiter vinum sanguis est naturalis corporis ejus. Nevertheless they controvert (Excusatio in the Fascic., p. 182 ss.) transubstantiation and the adoration of the eucharist. They maintain that the body of Christ—est in Sacramento per aliam existentiam quam in dextris Dei. P. 184, cum suo substantiali assumpto corpore, quocum sedet nunc ad dexteram Dei, non potest multiplicari:—et non potest corporaliter sumi a fidelibus animabus, sed solum spiritualiter.—Quamvis Christus non est hic cum corpore naturali:—est tamen spiritualiter, potenter, benedictus, in veritate. In like manner, p. 171 and 177, they declare themselves against the worship of saints, and, p. 177, against purgatory. The true purgatory is in this world, in quo se purgant ad immortalia corpora. With regard to the abrogation of several customs they say, p. 180: Ideo multas constitutiones et consuetudines, ordinationes et inventiones non continemus, quia in errorem sunt et eversionem fidei et aequitatis,—et quoniam hae constitutiones sunt causae idololatriae, et spei erroneae, et vanae superstitionis, et occultationem mortalis peccati. Malis autem sacerdotibus sunt causa ad eorum indignitatem et ad seductionem a justitia, et ad avaritiam et sacrarum rerum quaestum: populo autem sunt ad latrocinia onusque, ut plura impendant in vestes, aedificia et splendorem,—quod in pauperes et egenos expendere debent. Ideo non observamus in multis rebus, quia multa impedimenta faciunt verbo justitiae, orationi, rebus sanctis circa legis Dei sensum, propter quae lex Dei venit in contemptum: et ita humanas constitutiones, ordinationesque tam diligenter custodiunt, sicut mandatum Dei vel et diligentius.*

<sup>1</sup> See the description in Enguerrand de Monstrelet (Prévôt in Cambrai, † 1458), liv. ii. chap. 53 (nouv. édit. par J. A. Bachon. T. v. p. 197).

<sup>2</sup> The account in Enguerrand de Monstrelet, liv. ii. chap. 127, t. vi. p. 62, is unsatisfactory: it is only clear that his severe sermons against the clergy worked his ruin. According to Bertrand d'Argentré, *Histoire de Bretagne* (Paris, 1618. fol.), p. 788, he had said, qu'il se faisoit des abominations à Rome, que l'Eglise avoit bien besoin de reformation, et qu'il ne falloit pas craindre les excommunications du Pape faisant le service de Dieu. Il accorderoit aux religieux de manger de la chair, et disoit que à l'exemple

drew, the Dominican, archbishop of Carniola,<sup>3</sup> and cardinal, was painfully undeceived, when imperial ambassador at Rome, with regard to the papal holiness, in which he had honorably believed: insulted and persecuted by Sixtus IV., to whom with true simplicity he thought himself bound to administer an evangelical rebuke, he desired to convene at Basle a new council against the corruption which cried aloud to heaven (1482): he died in prison at Basle (1484).<sup>4</sup> Jerome Savonarola, Dominican monk at Flor-

de la nation Grecque le mariage ne devoit pas estre defendu aux Prestres, ny à ceux desiens, qui ne pouvoient se contenir. Baptista Mantuanus, in his *De Vita Beata*, at the end, declares this member of his own order, whom he calls Thomas Gallus, to be a martyr: dum bene beateque viveret, a quibusdam invidis apud summum Pontificem capitis necersitur, et post carcerem, post tormenta, post cruciatus tandem, quum nihil damnabile reperissent gravius investigantes, quod jure non potuerunt, injuria perficere fortiter accinguntur, et comburendem scelerato rogo commiserunt.—Hujus flammis non Scaevolae rogo, sed Laurentii posse comparari non dubito: dicant qui velint, obstrepant, clamitent et insaniant: ille summo vivit Olympo.

<sup>3</sup> Archiepiscopus Craynensis, yet probably Archbishop of Laubach in Carniola.

<sup>4</sup> The principal sources are Petri Numagen de Treveris, whom Andrew employed as his notary, *Gesta archiepiscopi Craynensis*, in J. H. Hottingeri *Hist. Eccl. N. T.*, Saec. xv. p. 347 ss., a collection of documents with notes by Peter, in which he tries to justify his share in the proceeding. Compare Christian Wurtsisen's (recorder at Basle, † 1588) *Baseler Chronik*, Buch vi. cap. 14. Joh. Müller's *Schweizergeschichte*, Th. 5 (Berlin, 1826), s. 284 ff.—By a notice put up in the Cathedral at Basle, 13th July, 1482, he invited the holding of a council (Petrus Numagen, p. 360): multis moti gravissimis damnablem scandalis et sceleribus, quae heu oculis vidimus, auribusque nostris audivimus in loco honoris,—curia videlicet Romana, vigere et contrahi, indeque inevitabiles depravationes Christifidelium utriusque status per totum longe lateque orbem insurgere, ut heu jam lamentabile sit videre et audire, naviculam Petri, i. e. totam simul universam Ecclesiam,—jactari nedum—persecutionibus Turcorum et infidelium ad extra, verum etiam intra se quassari, et scindi, dirimique laxatis solutisque clavis unientibus ubique per divisiones, praelia, haereses, peccata, vitia, injustitias, errores et maleficia innumeralia, ut non improvide timendum sit, eam tandem—a sorbente gurgite damnationis subtrahi.—Attendentes quoque, juxta sacrosanctae Synodi Constantiensis magnae praehabitaе providentiam—tot tantisque malis praeter sacrum Concilium nullo modo posse finem pacificum imponi; hoc anno—ad inclytam civitatem Basileensem, quam adhuc indubitatum congregandi Concilii locum cognovimus, ob zelum domus Dei nostri cum mordentibus gravibus fatigationibus et periculis nos recepimus, ibique in cathedrali Ecclesia—Concilium generale—legitime congregandum in nomine, ex parte, et ad laudem tandem—D. N. Jesu Christi,—fidei catholicae reformationem, morum correctionem, scelerum, vitiorum extirpationem, et pacem universalem in populo Christiano procurandam—indiximus. On the 21st July he added an appeal against Pope Sixtus IV. (p. 368): facturus sermonem ad te, o Francisce de Savona, Ordinis fratrum Minorum, qui cathedram sanctam male ascendisti, maleque nomine Sixtus IV. jam annis XI. occupasti, Apostoli Pauli ad Elimam habitis verbis recte potero exordiri (Act. xiii. 10): *o plene omni dolo et omni fallacia, fili Diaboli, inimice omnis justitiae, non desinis subvertere vias Domini rectas: dolo namque et fallacia non intrans per ostium, sed per Simoniam quasi fur per fenestram proh dolor ingressus es in regimen Ecclesiae sanctae Romanae. Inde facientem desideria Diaboli filium te esse veritas ipsa declarat, cum dicit: eos ex patre Diabolo estis, et desideria patris vestri vultis facere.*—Quotiens, o Sixte, intimae compassionis affectu argui injustitias tuas, et non mihi auscultasti! quotiens scelera reprehendi tua, et me despexisti! quotiens praevaricationes tuas tibi objeci, et me subannasti!

ence, still more like those typical men of the Old Testament, began to assail the moral as well as the political state of his country, not only with warnings, but also with prophecy; thus, however, he only fell a more easy victim to Roman hatred (1498).<sup>5</sup>

Nonne licuit mihi secundum formam Evangelii dicere tibi secrete: cur benedicis et maledicis pro pecunia? cur beneficia vendis? cur gratias spirituales pecuniae aestimatione taxas?—Et cum sollicitudo tua omnium Ecclesiarum esse debeat, ut quid apud, et quasi coram te peccantes non arguis? Cur toleras Sodomitas, sacrilegos, simoniacos, homicidas, officii et professionibus suis non satisficientes,—justitiam vendentes, doctrinam malam docentes, virgines stuprantes, sorores incestantes, sub coelibatu pueros procreantes, moniales violantes,—foeneratores, Ecclesias quas deservire nequeunt locantes sub usura,—aliisque vitiis et maleficiis atque dehonorationibus superfluentes?—Inde fit, quod Clerus despicitur,—suscitataque passim inter curiosos Laicos errorum materiae, vel haeresium opiniones—ubique gloriantur,—quod in omnibus castris Cleri non vel vix sit, qui cum eis ad singulare certamen disputationis—descendere ausit, vel saltem incidentem dubitationem pro Laici satisfactione decidere, enucleare, quod taceo haereticum scutum et relatrante ratione et auctoritate concludere norit. Sicque cum majori scandalo Cleri fit, quod Laici fere plus sapiunt, magis honeste, religiose, justeque se gerunt quam Clerici, qui omnia facta sua quasi pro lege habentes, etiam errores suos per legem Jesu Christi conantur defendere.—Tu vero, Sixte, quando his pastorali sollicitudine obvias? ubi est labor tuus, ubi vigilantia tua, ubi districtio tua?—Cumque hujusmodi, o Sixte, a me pluries tibi cum dolore cordis secrete inter me et te dicta non acceperas,—habui ultra adhibere testes, dixique ea in coetu Cardinalium Ecclesiae, te ad emendationem exhortans. Tu vero, quasi incurabili vulnere, quod omnem medicinam absorbet, sauciatus,—non accepisti admonitionem meam in cor tuum, ut rescipisceres, sed magis magisque irretitus raptabas in animam meam, spiransque minarum et caedis tota die concinnabas dolos, quibus me caperes, tandemque injuste captum et judicatum me libere dimisisti. Igitur ne gravius indies magis magisque Ecclesia per tuas insolentias damnificetur,—jam ultimum superest, ut dicam Ecclesiae. Henricus Institoris first took the field against him, as inquisitor in Upper Germany. In his refutation this remarkable passage is to be found (l. c. p. 413): Clamat mundus pro Concilio: sed quomodo congregabitur, ubi dispersi sunt lapides sanctuarii ejus, et obscuratum est aurum, mutatus est color optimus? Cujusmodi reformatio? Dic, ubi obedientia Principum, ubi zelus fidei? Et quia ista deficient, quaeso, ex Conciliis cujusmodi reformatio proveniet?—*Ecclesiam per Concilium reformare non poterit omnis humana facultas: sed alium modum altissimus procurabit, nobis quidem pro nunc incognitum, licet heu prae foribus existat, ut ad pristinum statum Ecclesia redeat.*

<sup>5</sup> With regard to this man, about whom very different opinions have been held in all ages, the principal sources of information are the accounts of two contemporaries. The unfavorable account is in Jo. Burchardi Diarium Curiae Romanae (see at the head of § 184), in Eccard, ii. p. 2087 ss., to which the important documents, p. 2150 ss. belong; more correctly in the Mémoires de Comines, éd. de Lenglet du Fresnoy, t. iv. P. ii. p. 72, and, after the Carlsruhe MS., in Paulus aufklarende Beiträge zur Dogmen-, Kirchen-, und Religionsgeschichte. Bremen, 1830, s. 281 ff.; and the Vita H. Savonarolae, by his friend Jo. Franc. Picus, Lord of Mirandola († 1533), in Guil. Batesii Vitae Selectorum aliquot Virorum. Lond., 1681. 4, p. 108 ss. A rich collection of these and other documents is the Vita R. P. Fr. Hier. Savonarolae, auct. J. F. Pico Mirandolae Concordiaque Principe notis accurata: adjecto ceu mantissa revelationum ejusdem F. Hieronymi compendio: additionibus insuper, actis diplomatibus, epistolis, scriptorumque monumentis aucta et illustrata (by the Dominican, Jac. Quetif). Paris, 1674. 2 tomi. 8. Soon after his entrance into the Order, at Bologna, in 1475, he began to have visions of the future; see Jo. F. Picus, in Batesius, p. 112: Per id tempus divinarum revelationum particeps factus ingruentes et Italiae et alia regionibus calamitates ad futurae renovationem Ecclesiae praevidebat, quanquam non adeo tunc ea extra dubitationem illi paterent, ut omnis ei am-



## From a narrower and a monastic platform the Franciscan, John

bigendi occasio praeiperetur: quod evenit, si prophetiae lumen citra velamen humanae ratiocinationis effulgeat. Etenim adventitio lumine divino partim collustrabatur,—sed duce ratione in eam inclinabat partem, in quam divina quoque vis inducebant.—Consentaneum quippe videbatur, suam ut Ecclesiam Deus eodem perpendiculo, quo semper usus fuerat, metiretur, et obliquos ejus parietes revocaret ad lineam, monitis primum. deinde flagellis pro scelerum varietate diversis. Pontifices summo astu et dolo, necnon simoniaca perfidia supremum aucupari sacerdotium dicebantur palam, sic ut nec quam id fere revocaret in dubium. Mox adeptos solium scortis et cinaedis eos auroque coacervando vacare, fama publica circumferebat, atque ad eorum exemplum qui saetant Cardinales et Episcopi sese instituere. Nullus in eis vel modicus Dei cultus, iis eadem vivendi ratio, nullaque religio. Quin etiam ferebatur, eorum aliquos Deum non colere, et in fidei nostrae contentum et contumeliam pleraque spargere. Sed et plures eorum, qui religiosae addicti vitae, ab institutis se laxioribus secreverant, et traditis regulas profitebantur, unde et sibi cognomen usurpaverunt, ad hypocrisin dilabebantur. Proinde fervorem illum Christianis debitum non modo in universum tepuisse judicabant hi, qui Deum in spiritu et veritate colunt, sed torpuisse penitus et friguisse. Ad haec Principes tyrannicam vim publice exercebant, et qui vexabantur, nihilominus rapinis, stupris, sacrilegiis, concussionibus, adulationibus inserviebant, ut illud sacrum repeti posset, *non esse videlicet, qui faceret bonum usque ad unum*. Tantis itaque de causis, propter propheticum etiam spiritum, quo afflabatur, nonnihil de imminente clade pronuntiare coepit, quanquam sacrarum literarum involucris tegebat arcana, ut impuros homines a perceptione mysteriorum arceret,—simul ne visis adhuc ambiguis deluderetur. Haec ob causam saepissime Deo preces fundere, et jejuniis corpus macerare, et flagellis atterere, et alios ad id officii cohortari studuit: quo tandem haec divinae clementiae munere extra dubitationem lucide cohortari innotescerent sibi, quae prius ambiguae et subobscurae monstrabantur. Oranti igitur ipsi et divinas laudes in Ecclesia persolventi, dum—*is praesertim versiculus caneretur: Bonus es tu, et in bonitate tua doce me justificationes tuas: fugatae a sensu et intellectu omnes tenebrae sunt, et suborta lux, quae dubitationem omnem de futuris quae praeviderat eventis expulit*. Mihi enim hoc privatim narravit.—Proinde coepit confidentius praedicere futuras clades, et eis veluti quibusdam administrandis collabentem et tanquam intermortuum pessimis moribus Christianum orbem instaurandum. Next, in 1489, he was transferred to Florence, and here he immediately began with warning and prophetic sermons upon the Apocalypse (p. 114): praedicabat, renovandam sive reformandam Ecclesiam, sed caedendam prius et purgandam flagello gravi, ni poenitentiae partes susciperentur. At first his prophecies were laughed at, but soon some of them were fulfilled: adduxerat autem jam in eum nonnihil populi fidem et praedicta nonnullis mors Innocentii VIII. Pontificis, et praevisus ab eo praedictusque Caroli ejus nominis VIII. Gallorum Regis in Italiam adventus, qui jam accelerare ferebatur ad expugnandum Apuliae regnum, et pari voce asseverata Mediceae familiae calamitas et ejus potissimum capitis Laurentii. Is cum eo tempore in republica Florentina princeps esset, sic ut fere omnia ad ejus nutum agerentur, quamquam sub specie civilis instituti, audissetque Hieronymum apertius in tyrannicos usus invehere, eum ut sibi conciliaret multis tentavit: but all in vain. Probably because of the splendor and luxury of the Medici. With regard to his style of preaching, see p. 116: *dicendi gratia—copiose abundavit:—quippe cum ipsa linguae celeritas, rerum allatarum sublimitas, magnitudoque, et verborum sententiarumque elegantia prodigio par essent*. Pronuntiabat voce libera et acuta, non fervido solum sed ardenti vultu, gestuque venustissimo. Ita vero illabebatur in auditorum aures, immo vero in praecordia, ut attentos eos extra se pene raperet. Et cum vox ipsa nec legentis prorsus esset, nec clamantis, nisi cum effluminaret in crimina, in ea tamen sentiebatur utrumque, neutrum discernebatur. The Pre-diche del Rev. Padre Fra Gieronimo da Ferrara per tutto l'anno in Vinegia, 1540. 8, are examples of his style of preaching. There are characteristic extracts from them in Riederer's Nachrichten, Bd. 4, s. 335 ff. His influence grew chiefly when his prophecies of the invasion of Italy by Charles VIII., and of the change of the Florentine constitution,

## Vitrarius of Tournay, censured the corruptions of the Church, but

in 1494, were fulfilled (the historian Comines, who came to Florence with Charles VIII., and visited Savonarola, says, in his *Mémoires*, liv. viii. chap. 8 : Il avoit toujours presché en grande faveur du Roy, et sa parole avoit gardé les Florentins de tourner contre nous : car jamais prescheur n'eut tant de credit en cité. Il avoit toujours assure la venue du Roy,—disant qu'il estoit envoyé de Dieu, pour chastier les Tyrans d'Italie, et que rien ne pouvoit resister, ne se defendre contre luy.—Aussi disoit publiquement l'avoir par revelation, et preschoit, que l'estat de l'Eglise seroit reformé, à l'espée (i. e. par l'épée); but, at the same time, his confidence increased. Picus, p. 115: *Eo ipso tempore quo Carolus VIII. Rex Francorum Florentiae morabatur, divina visa coepit confidentissime patefacere.*—*Multa de imminente clade, multa de reformatione Ecclesiae praedicere, multa de Pontificum et Regum vita dicere, multa de iis, quae passurus erat ob praedicatam veritatem praenuntiare divino jussu palam exorsus est.* However, he was not satisfied with Charles's behavior in Italy (he sent word to him through Comines : see his *Mémoires*, l. c. pour ne s'estre bien acquitté de la reformation de l'Eglise, comme il devoit, et pour avoir souffert, que ses gens pillassent et derobassent ainsi le peuple,—que Dieu avoit donné une sentence contre luy, et en bref auroit un coup de fofet) : all further expectations from him for the future were vain ; for this prince was obliged to leave Italy again as early as 1495, and the prophecy that he would return remained unfulfilled ; see *Mémoires de Comines*, liv. viii. chap. 26 : il a toujours presché publiquement, que le Roy retourneroit derechef en Italie, pour accomplir cette commission, que Dieu luy avoit donnée, qui estoit de reformer l'Eglise par l'espée, et chasser les Tyrans d'Italie, et que au cas qu'il ne fit, Dieu le puniroit cruellement. On the other hand, numerous enemies now rose up against him. His political influence over the new government gave him the authority of a party-chief : the friends of the Medici, who were now again increasing, were naturally his enemies. Besides this, Picus says, p. 118 : *Inter omnes vero persecutores Hieronymi hi acerrimi inventi sunt, qui moribus pessimis, et potissimum Ecclesiae praesides, quorum vita foedissima universum orbem foetore repleverat, Florentinique illi cives, qui usurariae pravitati obstinate operam navabant, et vitiorum coeno impensus volutabantur. Illorum libidinem avaritiamque, illorum luxus simoniacasque labe insectabatur, publice privatimque monere solitus, a Babylone (Romam intelligens) fugiendum esse, quoniam—malignus daemon—ipsam flagitiorum omnium sentinam cloacamque effecisset. Monachorum, Monacharumque, et pene Religiosorum omnium contumelias ob id in se conflexerat, quod tepiditatem eorum (ita enim appellabat) et abusus quam plurimos coarguebat, suorumque Praedicatorum fratrum calumnias et insidias expertus est, quoniam congregationem fratrum Etruscam ab ea, quae Cisalpinam incolit Galliam, segregaverat Pontificis Maximi auctoritate, atque illam divino jussu constituerat.—Optabat autem, ut eam vivendi normam tenerent sodales, qua a divo Dominico servata est.* So early as 1495 he was summoned before the Pope, but he pleaded in excuse sickness and the danger which threatened him from his enemies : the authorities of Florence also interested themselves for him ; see extracts from their letters in *Vie de Scipion de Ricci par de Potter*. Bruxelles, 1825, t. ii. p. 468 ss. At length, in 1497, Alexander VI. issued a *Breve* to the Dominican Monastery at Florence, in Burchardii *Diar.* in Eccard, ii. p. 2151 : *Sane Hieronymum quendam Savonarolam de Ferraria Ordinis Praedicatorum novitate pravi dogmatis delectatum accepimus, et in eam mentis insaniam Italicarum rerum commutatione deductum, ut se missum a Deo et cum Deo loqui sine ulla canonica attestazione fateatur in populo contra canonicas sanctiones.—Christum praeterea Jesum crucifixum et Deum mentiri, si ipse mentiatur, horrendum certe et execrabile adjurationis genus ; extra salutis statum eum esse, qui vanis illius assertionibus non credat ; alia deinceps illum non minus inepta facere, dicere et scribere, quae si praetereantur impune, nihil est quod non ausura falsorum Religiosorum temeritas sit, et in corpus Ecclesiae, quod verendum est, vitia sub virtutum specie subintrarent.—Crededamus,—jam advenisse diem, quo de ipso meliora concipere deberemus, ac dolorem, quem nunc usque ex effreni arrogantia et scandalosa separatione a Patribus suis Lombardiae perpepsi fueramus, quae subdola calliditate, sicut post cognovimus, perversorum*

quorundam Fratrum impetrata est, sua humili adhaerentia in laetitiam commutaremus: sed quod dolenter referimus, spe nostra frustrati sumus. Nam licet per literas nostras ipsum in virtute sanctae obedientiae monuerimus, ut ad nos veniret, veritatem ab eo et ab ore suo intellecturos; tamen non solum venire et nobis obedire recusavit, verum etiam in dies ipse acerbior magis doloris nobis causam subministravit, impudenter fidelium oculis legenda ingerens, quae solo alias auditu temere profuderat imbibenda. Accordingly, the Pope commissions the vicar-general of the Lombard Dominican congregation to examine the guilt of Savonarola, and pass sentence upon him; for the time being, he suspends him from preaching, and orders the reunion of the Tuscan with the Lombard congregation. In his answer to the Pope, dd. 19th September, 1497 (in Eccard, ii. p. 2153; more complete in Paulus Beiträge, s. 289), Savonarola defends himself from these charges. Against the accusation—*me novitate pravi dogmatis delectatum*, he appeals to his oft-repeated assertion—*me et omnia mea sanctae Romanae Ecclesiae submittere*.—*Si quis autem dicat, quod praedicarem futura, nondum est falsum dogma, quia hoc semper fuit in Ecclesia Domini Dei*.—*Secundo quia in litteris praedictis dicitur, me in eam mentis insaniam Italicarum rerum commutatione deductum, hoc etiam manifeste falsum est, et ab omnibus scitur, quia praeterierunt quinque anni, quibus haec praedixi, vel plures etiam quam decem anni jam sunt*. Further, he defends the separation of the Tuscan from the Lombard congregation as not effected by underhand means; he maintains that the vicar-general of the latter, on account of the enmity between the two congregations, would be a—*judex summopere suspectus*—in his own cause; he seeks to show that the Papal command to reunite the Tuscan with the Lombard creation was obtained by underhand means; and declares at last: *ego paratus sum in omnibus emendare me ipsum, ubicunque erro, et publice coram populo universo omnia errata mea revocare*. Dignetur Sanctitas Vestra mihi significare, quid ex omnibus, quae scripsi vel dixi, sit revocandum, et ego id libertissime faciam, nam et hac vice et semper, sicut saepius dixi ac etiam scripsi, me ipsum et omnia mea dicta et scripta sub jectio correctioni sanctae Romanae Ecclesiae et Sanctitati Vestrae. To this the Pope made a more gracious answer, dd. 16th October, 1497 (in Eccard, ii. p. 2152), and summoned him before his own judgment-seat; but he repeated the prohibition against his preaching before sentence was passed. Savonarola obeyed this prohibition only for a time; but when he began to preach again, papal satellites, monks, and his political enemies, roused themselves for a decisive blow. Excommunication followed: Jo. Poggius, Secretarius Camerae Apostolicae, wrote a *Refutatorium errorum Fratris Hier. Savonarolae*: Jo. Fr. Picus, on the other hand, wrote an *Apologia pro Hieron. Savonarolae viri prophetae Innocentia* (in Goldasti Monarchia, ii. p. 1635 ss.). As the whole of Florence was threatened with ecclesiastical penalties, Jerome was obliged to discontinue his preaching; on the other hand, the brethren of his order preached for him—other monks against him. At length a Franciscan challenged a Dominican to the ordeal of fire; the points of dispute settled in writing were (Jo. Burchard in Eccard, ii. p. 2088): *Conclusiones rationibus ac signis supernaturalibus probantur. Ecclesia Dei indiget renovatione. Flagellabitur, renovabitur. Florentia quoque post flagella renovabitur et prosperabitur. Infideles convertentur ad Christum. Haec autem omnia erunt temporibus nostris. Excommunicatio nuper lata contra Rev. Patrem Hieron. Savonarolam nulla est: non servans eam non peccat*. Instead of the trial by fire it ended in a monastic brawl: each party afterward threw the blame of the failure upon the other. However, soon after the people took the Dominican monastery by storm, and Savonarola, together with several of the brethren of his Order, was seized and put to the rack. Two Roman envoys had him put to the rack again, and at length, on the 23d May, 1498, together with two brethren of the order, he was hung and burned. According to the assertion of his enemies, on the rack he acknowledged himself to be a deceiver (see Burchard in Eccard, ii. p. 2095): his friends bear witness to his constancy (Picus in Batesius, p. 130 ss.), and assert that double minutes of the trial, real and falsified, are extant, Jac. Quetif ad Jo. Franc. Pici vitam Savon. ad cap. xvii. and Theoph. Spizellii Infelix Literatus, p. 665. Opinions with regard to Savonarola have always been much divided; through the influence of the Dominicans a favorable opinion with regard to him afterward prevailed in

he consented to a recantation (1498).<sup>6</sup> All these men still looked for redress from new laws and institutions: deeper views had been already taken by the Carthusian, James of Erfurt, when he protested against the mass of superstitious opinions and customs,<sup>7</sup> and by the Master of the Sorbonne, John Laillier, when, in 1484 and the following years, he recognized the corrupting influence of the hierarchical despotism;<sup>8</sup> for religion had lost its real power

the Catholic Church; so that even Dan. Papebrochius (*Acta SS. Maji*, t. v. p. 234) was uncertain whether he should acknowledge him as *beatus*. In the Dominican convent at Florence his cell was changed into a chapel (see *Vie de Scipion de Ricci par de Potter*, t. ii. p. 467). Compare, on this subject, J. F. Buddei *Retractatio Dissertationis de Artibus tyrannicis Hier. Savonarolae*, in his *Parerga Historico-Theologica*, p. 321 ss. Among the works of Savonarola, besides his sermons, the following are the most distinguished: *Triumphus Crucis Florent.*, 1497. 4, an apology for Christianity. *De Simplicitate Christianae Vitae*, libb. iv. 1496. *Expositio Orationis Dominicae*. *Grundzüge der Theologie des Hier. Savonarola von D. F. W. Ph. v. Ammon in Winer's und Engelhardt's Journal der theol. Literatur*. Bd. 8. s. 257 ff. [Gir. Savonarola, aus handschriftlichen Quellen. 8. Berl., 1836. A. G. Rudelbach, *Hier. Savon. u. seine Zeit*. 8. Hamb., 1835. Hase, in his *Neue Propheten*, 8. Berl., 1851. Dr. Madden, *Life of Savonarola*. 2d. ed. 2. 8. Lond., 1854. F. T. Perrens, *Vie de Savonarola*. 2. 8. Par., 1854. Theod. Paul, *Jer. Sav. precursor de la Réf.* 8. Par., 1857. *La Triomphe de la Croix de Savon.*, trad. par Abbe Celeste. Aix, 12. Par., 1855. *Poesie di Jeron. Sav. Audin de Riens*. Firenze, 1847. *Archivio Storico Italiano*. Appendice, tom. viii. on Savon. Firenze, 1850. Appendice alla *Storia dei Municipi Italiani*, Da P. E. Giudici. Firenze, 1850. W. H. Rule, *Studies from History*, vol. 2. Lond., 1856. *Dublin Review*, October, 1854. *Révue Chrétienne*, Paris, 1855, No. I. Jan. *Ecl. Rev.*, 4th series, vol. 16. *Bro. Quart. Review*, 2d series, vol. 5.]

<sup>6</sup> His opinions, condemned by the Sorbonne, are in d'Argentré, *Collectio Judiciorum de Novis Erroribus*, I. ii. p. 840: Il vaudroit mieux couper la gorge à son enfant, que de le mettre en Religion non reformée.—Quiconques oïtoit la Messe d'un Prestre tenant une femme en sa maison, peche mortellement.—Minus malum est homicidium, quam peccatum carnis.—Se ton Curé, ou aucun Prestre, tiennent femmes en leurs maisons, vous devez aller en leur maison et par force tirer la femme, ou autrement, confusiblement hors de sa maison.—Le Chant de Musique, que on chante à nostre Dame, n'est que de paillardise et provocation de paillardise.—See the positions against indulgences, above, § 147, note 30.—*Horae b. Mariae non debent dici Saecularibus*.—*Sancti non sunt rogandi*.—Il y a aucuns, qui dient aucunes Oraison de la Vierge Marie, à fin que à l'heure de la mort ils puissent veoir la Vierge Marie (compare vol. ii. § 79, note 9). Tu verras le Diable, non pas la Vierge Marie.—Il vaudroit mieux à une femme marié rompre son mariage, que de rompre son jeûne.

<sup>7</sup> See above, § 145, note 1.

<sup>8</sup> He had asserted, in a public disputation, 1484 (d'Argentré I., ii. p. 308): *Petrus non habuit a Christo potestatem supra alios Apostolos, neque primatum. Omnes hierarchisantes aequalem potestatem acceperunt a Christo ita, quod Curati sunt aequales in potestate, regimine et jurisdictione. Summus Pontifex non potest remittere viciatoribus totam poenam eis debitam ratione peccatorum suorum virtute indulgentiarum, etiam si iuste et rationabiliter dentur. Abbates, Priores, et alii Praelati Religiosorum non absolvent suos Religiosos in virtute clavium, sed ex sola consuetudine. Confessio non est de jure divino. Si vultis, quod ego loquar de summo Pontifice, ego vastabo totum. Simples sacerdotes sunt inutiles. Confessi Religiosis mendicantibus, praesentatis et acceptatis secundum formam Decretalis *Dudum*, etc., non sunt absoluti et tenentur eadem peccata confiteri Curato. Summus Pontifex Johannes XXII. non potuit condemnare de Poliacco, nec facere Decretalem *Vas electionis* (above, § 112, note 8). Quod de-*

just by being perverted into an external law. But in Germany, on the one hand, the national character more inclining to an inward religion, on the other, the interest awakened by the Hussites,<sup>9</sup> worked such an effect, that already many persons of deeper

creta et decretales summorum Pontificum non sunt nisi truphae. Ecclesia Romana non est caput aliarum Ecclesiarum. Unus hierarcha erat major altero in bonis temporalibus, vel forsan in virtutibus, et non in potestate hierarchisandi. There is extant a new catalogue, of the year 1486, of the erroneous doctrines which Laillier had preached to the people (l. c. p. 308 ss., compare p. 311 ss.): I. Vous devez garder les Commandemens de Dieu et des Apostres: et au regard du commandement de tous ses Evesques et autres Seigneurs d'Eglise, tout autant que de paille, ils ont destruit l'Eglise par leurs vaverferies. II. Aucuns ont presché de ung Saint, qui est au lieu d'où Lucifer trebuche (see Johannes Mercator, above, § 141, note 11). Tels prescheurs gastent tout, et depuis qu'ils ont esté instituez, jamais l'Eglise de Dieu ne prosperera. Ils feront tant, que quand la matiere sera bien discutée, on trouvera que celui, qu'ils repitent Saint, n'est pas au lieu où étoit Lucifer, mais est au lieu, où actuellement est Lucifer: et ainsi que Pluto, dieu infernal, tient Proserpine entre ses bras, ainsi Lucifer tient cette ame. III. Les Saints riches et pecunieux sont maintenant canonisez, et les pauvres delaissez. Par quoi je ne suis pas tenu de croire tels estre Saints. La raison: si le Pape reçoit certaine somme de ducats, on monte sur vingt echaffaux à Rome pour le canoniser, etc.—Depuis le temps de St. Silvestre nul des Confesseurs a esté justement canonisé. IV. Se ung Prestre estoit marié clandestinement, et venoit à moy à confesse, je ne luy enjoindrois point de penitence. V. Les Prestres de l'Eglise Orientale ne pechent point en soy mariant, et croy, que ainsy ne ferions nous en l'Eglise Occidentale, se nous nous marions. VI. En ung conseil depuis quatre cents ans fut interdit aux Prestres soy marier de ung Pape ou d'un Papillon. Je ne sçay s'il le pouvoit faire. VII. Je donneray deux blancs à celui, qui me produyra aucun passage de l'escriture, par lequel soyons obligez a jeusner le Caresme. VIII. A b. Sylvestro citra Ecclesia Romana non est amplius Ecclesia Christi, sed Caesaris et pecuniarum. (Laillier remarks upon this in his recantation, p. 312: Et ay dit ces paroles en recitant l'opinion d'un grand Docteur, comme Wiclef, que croyois, ainsi que ay affirmé par serment, estre Catholique, et n'avoir esté reprouvé par l'Eglise). IX. On n'est point plus tenu de croire aux Legendes des Saints, que aux Croniques de France. Besides, the Sorbonne took notice of the position: Simplex Sacerdos potest ita bene consecrare Chrisma et sacros Ordines conferre, sicut Papa, vel Episcopus: et omnes sacerdotes sunt aequalis potestatis, tam Ordinis quam jurisdictionis, tantamque auctoritatem habet Thomas apud Indos, quantam Petrus apud Romanos. The Bishop of Paris compelled him to revoke the propositions of 1486 in the same year (l. c. p. 310 ss.), and then absolved him. The theological faculty, which had not been called in to the examination, pronounced the recantation incomplete, and the absolution precipitate, and appealed to the Pope (p. 313 ss.), who then ordered a fresh inquiry (p. 318 ss.).

<sup>9</sup> Cf. Epist. Juliani Card., § 132, note 6. Also the zealous opponents of indulgences, § 147, note 30. That Hussite missionaries were spread far and wide in Germany, is evident from the trial of John of Wesel (note 14). He was accused of holding intercourse with a certain Nicolaus de Bohemia vel Polonia, to whom also he was said to have dedicated a Tractatus super Modo Obligationis Legum Humanarum: he himself confessed, se cum eodem Nicolao fuisse conversatum de medicina, et de communione sub utraque specie in Moguntia et Wesalia: addidit, quod istum Nicolaum vicisset ex Evangelio. Nicolaus Rus in particular, a priest and master of divinity at Rostock, about 1510, received his first impulse from wandering Bohemian brothers; he wrote (see Flacii Catal. Test. Verit. ed. Francof. 1666, p. 840, and Chytraei Saxonia) in the Low German language, De triplici Funiculo, an explanation of the Creed, Ten Commandments, and Lord's Prayer, in which he made many statements against the Pope—the following propositions among others: indulgentias esse meram deceptionem piorum, et quaestum: veras in-

insight recognized the source of the evil in the corruption of doctrine, and began to go back to Holy Writ as the purest fountain.<sup>10</sup> Such instances, stimulated by the Hussites, made their appearance especially in Franconia.<sup>11</sup> But the great number of editions of German translations of the Bible indicates a more universal and newly awakened need.<sup>12</sup> Next to the Bible, the works of St. Augustine, highly honored, but in fact much neglected in the Church, gave the principal nutriment to men of this turn of mind. By these means three men in particular were guided along the way, in which they became the forerunners of the Great Reformation of the sixteenth century. John of Wesel,<sup>13</sup> as Doctor of Divinity at Erfurt, afterward as preacher at Worms, assailed the errors upon which the hierarchy was built, and pointed back to the Holy Scriptures as the source of faith; but he was obliged to recant at Mayence, in 1479,<sup>14</sup> and to close his life in

*dulgentias contingere a solo Deo gratis propter Christum omnibus vere poenitentibus: Papam non eam potestatem habere, quam ei multi tribuant, nec audiendum, nisi recta praeceptat: Sanctorum ossa non esse adoranda, Sanctos non esse invocandos: Spirituales debere dare censum, et subesse Magistratibus. Besides, reprehendit traditiones humanas, varios abusus et superstitiones. Imprimis vero gravissime insectatus est Spiritualium turpissimam vitam et officii neglectionem: dicit eos Antichristi ministros esse. He was banished with his adherents. At first he remained at Wismar, afterward he returned to Rostock, and at length fled to Livonia.*

<sup>10</sup> Thus Jo. Trithemius writes to the theologian at Paris, Carolus Bovillus, A.D. 1505 (see Trithemii Opp. Hist. ed. Marqu. Freherus. Francof. 1601. fol. P. ii. p. 476): Nunquam mihi placuit quorundam curiositas, qui humana commiscunt divinis, et sacram Scripturam, quae et pura et sibi sufficiens est et nobis, gentilium loquacitate commaculant. Contra quos b. Hieronymus in epistola loquitur ad Damasum Papam: *De Scripturis disputantem non decet Aristotelis argumenta conquirere*, etc.—Scriptura enim Dei manifesta est, testimonium Dei lucidum est, sapientiam praestans parvulis. Non egent literae divinae plicis, non involucris, non replicis, quia haec non sapientiam praestant parvulis, sed eorum animos in confuso relinquunt, et per omnem vitam mentes hominum aberrare compellunt.

<sup>11</sup> Frederick I., elector of Brandenburg, as early as 1415 appointed a preacher for the foundation of St. Gumbert, at Onolzbach, with instructions to teach the word of God principally according to Holy Scripture, and to abstain as far as possible from the ceremonies of the Roman Church; see Jack, *Materialien zur Geschichte und Statistik Bambergers*. Th. 2 (Bamberg, 1809), s. 111.—On his journey to Constance, Huss met with a very favorable reception at Nuremberg; see his letter to the Bohemians in Theobald's *Hussitenkrieg*. Nürnberg, 1621, Th. 1, s. 40 f.—The Council of Bamberg afterward made every man take an oath against the Hussite heresy; see this oath in Jos. Heller's *Reformationsgeschichte des ehem. Bisthums Bamberg*. Bamberg, 1825, s. 11. Several similar occurrences of the fifteenth century may be seen in Heller's work quoted above.

<sup>12</sup> See § 146, note 13.

<sup>13</sup> Properly, John Richrath of Oberwesel. Compare, with regard to him, Joh. Wessel ein Vorgänger Luthers von D. E. Ullmann. Hamburg, 1834, s. 109 ff.

<sup>14</sup> The occasion of the proceedings against him, according to Wigandi Wirt (see § 145, note 20) *Dialogus Apologeticus*, seems to have been stated to be his intercourse with the Hussites (see note 9). He says (*Walchii Monum. Medii Aevi*, vol. ii. fasc. 2,

Praef. p. xvii.): tractatus, manu Wesallensis conscriptus ad Bohemiamque mittendus, quem tuus ille magister, Joannes quippe, quasi fidei regulas isti Nicolao Bohemorum nuntio tradiderat, discipulum captivitati, magistrum vero inquisitioni tradidit. However, the frantic Dominican, many years afterward, without any particular sources of intelligence, may have drawn this conclusion from the acts extant. But in fact these decide the contrary, for they lay too little stress upon that intercourse. They are: *Paradoxa* D. Jo. de Wesalia, damnata per Magistros nostros haereticæ pravitatis Inquisitores de Ord. Praedic., M. N. Gerhardum Elten de Colonia et M. N. Jacobum Sprenger, anno 1479, Moguntiae, and *Examen magistrale ac theologiale* D. Jo. de Wes. (minutes of the proceedings against him), in Orthuini Gratii Fascic. Rerum Expetendarum et Fugiendarum, fol. 163 (ed. Brownii, p. 825), and in d'Argenté L, ii. p. 291 ss. His works are the best means of ascertaining his theological views: *Disputatio adv. Indulgentias*, in Walchii Monumenta Medii Aevi, fasc. i. p. 111 ss., and, *De Auctoritate, Officio et Potestate Pastorum Ecclesiasticorum*, in Walch, vol. ii. fasc. ii. p. 115 ss. (Beyond doubt this work belongs to this John of Wesel, for he was examined upon certain propositions from this work: it is the *Tractatus de Potestate Ecclesiastica*, quoted in the *Examen die Lunae III.*, but not addressed to a Bohemian as Walch thinks, l. c. Praef. p. xix.). The first work he begins as follows, p. 114: ante omnia protestor, nihil velle—asserere, quod veritati fidei, quae in scripturis sacris continetur, quovis modo sit contrarium. Si vero opinio, vel assertio mea fuerit contraria alicui etiam sanctorum Doctorum, volo salvam esse ejus honorificentiam et sanctitatem, quia ajo cum b. Augustino ad Hieronymum: *alios ut lego, ut quantalibet sanctitate doctrinave polleant, non ideo verum putem, quia ipsi ita senserunt, sed quia etiam per alios auctores, vel canonicas, vel probabiles rationes, quod a vero non aberrant, persuadere potuerunt.* (Thus he insisted, upon his trial, XVII., that he did not believe, quod sacra Scriptura sit eodem spiritu exposita per SS. Patres et doctores, quo creditur primo tradita et revelata: and, die Martis, he declared plainly—quod nihil sit credendum, quod non habeatur in Canone Biblicae.) His fundamental positions with regard to forgiveness of sins and indulgences are as follows: *Omni delinquenti contra legem Dei Deus ipse legislator ex justitia indicit poenam, quam non remittit, quantumcunque per misericordiam remittat culpam* (especially p. 185 ss. God's forgiveness of sin is only the remission of the—reatus poenae aeternae, but not of the reatus poenae temporalis). *Sacerdotes Christi, quibus datae sunt claves regni coelorum, ministri sunt Dei in remittendis culpis. Poenam, quam pro peccato Deus indixit delinquenti, non potest homo remittere illi. Aliquem, quemcunque sacerdotem, etiam summum Pontificem, indulgentias dare, quibus sit homo ab omni poena a Deo indicta solutus, non est in sacro canone scriptum. Ab omni poena, quam homo vel jus positivum infligit pro peccato, potest summus Pontifex absolvere. Ostenditur, quia ipse est ab Ecclesia constitutus juris positivi institutor, in quantum ad aedificationem Ecclesiae facit, non ad destructionem. Quod poenae per hominem vel jus positivum indictae pro peccato respondeant Dei indictioni poenae, ita quod illa soluta satisfactum sit Deo, non est certum, nec creditum, nisi cui Deus revelavit. Opinioni doctorum de thesauro Ecclesiae, congregato ex merito Christi et operibus supererogationis Sanctorum, commisso summo Pontifici ad distribuendum, quamquam sit valde pia, salubres tamen sunt debiles objectiones.—Opera Sanctorum in via existentium secundum esse suum transitoria sunt; et dum cessant Sancti operari, ipsa nullum esse habent secundum se: Dei autem misericordia, addita operantibus iis gratia gratumfaciente, aut est meritum, aut causat meritum. Sunt ergo opera non aliter, quam secundum (gratiam) meritum. (Accordingly he confessed upon his trial that he had said to monks, XXII.: Religio non salvat vos, sed gratia Dei: he believed, nevertheless, religionem viam esse ad salutem.)—Distribuere autem illa merita nemo potest, nisi Deus principaliter. Si autem homo ministerialiter haec potuerit distribuere, hoc non erit, nisi per divinum pactum.—Tale autem pactum esse factum cum ministris per Jesum, in evangelicis scripturis non habetur. Quare non est habitum. On remission of sins, p. 128. Remissio peccatorum est gratiae, gratum facientis hominem Deo, donatio sive infusio.—Solutus Deus donat gratiam et infundit—absque praecedente merito—his, qui quantum in eis est se parant ad recipiendum eam. P. 128: Poenitentia est dolor de commissis pec-*

catis. Et haec est dispositio congrua ad remissionem peccatorum. P. 131: Est ex superius dictis notum, nullos sacerdotes facere remissionem peccatorum principaliter et effective, nisi per divinam assistentiam, quae est gratia donata. Quare remissio Sacerdotum est quoddam ministerium sacramentale, exhibitum peccatori poenitenti. Et non est aliud, quam datio sacramenti poenitentiae, cujus effectus est remissio peccatorum. He declares, esse divini honoris, ut ipse solus creet et donet gratiam ex sua mera liberalitate, and accordingly he would have Lombard's definition of a sacrament, est invisibilis gratiae visibilis forma, sic quod ipseus imaginem gerat et causa existat, reduced again to St. Augustin's: est invisibilis gratiae visibilis forma. P. 143 ss. in the passages Matt. xvi. 19, xviii. 18, quodcumque ligaveritis, etc., the claves jurisdictionis were by no means delivered to the Church, but only the right to shut out incorrigible sinners. P. 146: Jurisdictio, quae est in Ecclesia, secundum quam principes dominantur subditis, et leges indicunt eis, est a gentilitate sumpta et Christi verbo vetita (Matt. xx. 26). Jurisdictio itaque, quae nunc est in Ecclesia, est ab hominibus instituta, ut sentit b. Hieronymus in epistola ad Evandrum et in expositione epistolae ad Titum (see vol. 1, § 30, note 1). Ex his sequitur, quod pueriliter sentiunt, qui dicunt, indulgentias dari ex vi clavium jurisdictionis. P. 152: Tales remissiones, vocatae indulgentiae, sunt piae fraudes fidelium, ut dixerunt multi presbyteri, et signanter quidem Cantor Parisiensis; they are fraudes, quia fideles peregrinantur ad sancta loca, afferunt eleemosynas ad pias causas—opinione, quod liberentur per ea ab omnibus poenis,—et in hac opinione decipiuntur.—Et quia contingit, fideles talia facere opera in caritate Dei, erunt ipsa opera meritoria vitae aeternae et augmentatoria gradus gloriae, ideoque sunt piae et utiles. Aft-erward, p. 153 ss., on the infallibility of the Church. Quia in Ecclesia universali continetur Ecclesia Christi fundata super petram,—et haec Ecclesia Christi est sancta et immaculata,—ideoque in ea non est error;—haec erit vera locutio: Ecclesia universalis non errat. But at the same time the proposition is likewise true, Ecclesia universalis errat.—Sic et hodie vere dicitur: Ecclesia est peccatrix, est adultera. An argument which reasoned from that holy Church to the whole, would be illogical, quia ex particularibus procedit.—From the passages quoted above it is manifest, that John did not ascribe a divine institution to the hierarchy: its duties and rights he unfolds at length in his Tract. de Potestate Ecclesiastica, in Walchii Monim. Medii Aevi II., ii. p. 118. The principle laid down at the very beginning of the Tractatus is of importance to the understanding of several apparently contradictory statements maintained by him at his trial, ferendam esse quorumcumque magnatum tyrannidem, et imperiis temere non esse reclamandum, quatenus ratio Evangelii per tolerantiam afflictionum non periclitetur. Thus the statement which occurs in his *Paradoxa* receives explanation: Qui potestati resistit, Dei ordinationi resistit; sic scilicet, quod velit potestatem non esse. Thus he denies on the one hand, in the Examen XIV., quod Apostoli habuerunt auctoritatem a Christo condendi canones, aut instituendi aliquas leges (cf. De Potest. Eccl., in Walch I., ii. p. 133: Qua nunc audacia—Apostolorum successores—mandant observandum, non quod Christus in literis sacris, sed quod ipsi ex sese vel quaestus gratia huc impulsit, aut imperitandi libidine affecti, praecipiant: Si ne ipsis quidem Apostolis licuit extra praecipita Dei quicquam docere, cum dicat Dominus: *docentes eos servare, quaecumque praecepi vobis!*), and declares accordingly, XXIV., nullum esse peccatum mortale, nisi quod Canon Bibliae dicit esse mortale. Likewise XXVIII. Si vicarius significat aliquem, qui in absentia principalis habet facere opera principalis, tunc Christus non habet vicarium in terris. Nevertheless he affirmed the propositions, XI., Romanam Ecclesiam esse caput omnium aliarum Ecclesiarum; XII., quod Romanus Pontifex sit Christi vicarius, et necessarium esse unum caput Ecclesiae, XVI., differentiam esse inter Episcopum et sacerdotem, and admitted, XV., that the laws of the hierarchy were binding, to wit—quod transgredientes legem humanam sic assumptam, peccent mortaliter. Accordingly he declared also, XXI., when questioned with regard to the obligation of the—continentia Clericorum, and the—septem horae canonicae: quod, quia susceperunt, etiam ad mandatum Ecclesiae teneantur. However, he could only regard all this as of human institution, and preached accordingly (see *Paradoxa*): Christus nunquam instituit aliquod jejunium, nec prohibuit quemcumque cibum quocumque die, sicut carnes.



Christus nullum festum praecepit celebrare. Item nullam orationem docuit, nisi dominicam, neque mandavit sacerdotibus canere vel legere septem horas canonicas. Si quis confiteatur, injungitur illi ardua poenitentia, ut peregrinetur Romam, vel ad alia remota loca, strictum jejunium, quod dicat multas orationes. Quod Christus non fecit, sed solum dixit: vade, noli amplius peccare. Sic gravata est Christianitas per humanas leges et constitutiones. But he did not recommend a disobedience that would cause offense, De Potest. Eccl., in Walch II., ii. p. 144: Si offensio proximi timeatur per hanc inobedientiam, profecto quatenus obtemperare licebit imperantibus non periclitante veritate, nefas fuerit non obedire: non quia hoc praeceptum ab homine proficiscitur, sed quia expostulat caritas. His opinion as to the virtue of ecclesiastical usages follows, as a matter of course: see, *Examen die Martis*: Interrogatus, quid sentiat de consecratione et benedictione altarium, calicis, ornamentorum, cereorum, palmarum, herbarum, aquae benedictae, et aliarum rerum inanimatarum, etc., credit, quod nihil virtutis spiritualis et efficaciae habeant ad effugandum daemones, et pro remissione venialium peccatorum. Credit etiam, quod aqua benedicta non habeat majorem efficaciam, quam alia aqua non benedicta, etc. His doctrine of sin and grace was peculiar. It was essentially Augustinian; the following statements occur in the *Paradoxa*: Deus ab aeterno condidit librum, in quem scripsit omnes suos electos: quicumque autem in eo non est scriptus, nunquam inscribetur in ipsam in aeternum, et qui in eo scriptus est, nunquam ex eo delebitur.—Sola Dei gratia salvantur electi. Et quem Deus vult salvare, donando sibi gratiam, si omnes sacerdotes vellent illum damnare, aut excommunicare, adhuc salvaretur ille. Et quem Deus vult damnare, si omnes—vellent hunc salvare, adhuc iste damnaretur. And accordingly he declared likewise in the *Examen die Martis*, quod Deus potest conferre gratiam habenti usum rationis absque omni motu liberi arbitrii. Opinatur, quod b. Paulus in sua conversione nihil fecit suo libero arbitrio pro sua conversione.—Sola Dei gratia salvantur electi. When, on the other hand, on Monday, he admitted it as his opinion, nullum esse peccatum originale in parvulis jam conceptis in utero materno, this may have been on the general ground that only a person—habens usum rationis, was capable of sin, as in like manner of grace. Among the peculiar opinions of John, the following are still to be noticed, *Examen die Lunae*, VII., quod sacra scriptura non dicat, quod Spiritus Sanctus procedat a filio, aut ab utroque. VIII., falsum esse in symbolo Athanasiano hunc versum: *nam sicut anima rationalis et caro unus est homo, ita Deus et homo unus est Christus*. XIX., quod corpus Christi possit esse sub specie panis, manente substantia panis. The opinion of John Wessel upon this John of Wesel is given in his Epist. ad Ludolphum de Venio (Opp. ed. Groning. 1614, p. 920 s.). Audisti periculum venerabilis illius viri, Mag. Jo. de Wesalia, cujus tametsi, ut crebro ex me audisti, exorbitantes illae et populo scandalosae absurditates displiceant, eruditio tamen et peracre ingenium ejusmodi est, ut virum illum nequeam non amare, aut casibus ejus non condolere. O quantum profuisset illi, nostro more, ut saepe inter nos Parisiis recensui, ante tum Realiū tum Formalium exercitatum studia transgisse, et ita demum non incautum, non inopinum, sed velut ex arce et specula futaros insultus providiasse.—Saepe ego veritus in eo inconsideratam et temerariam ejus locutionem, quae licet scholasticae subtilitatis, et fortassis nonnunquam aliquid catholicae veritatis haberet, ea tamen in vulgus indoctum, et non capacem plebem proferri cum gravi simplicium scandalo prorsus odiosum. Such offensive statements in his sermons to the people, as Wesel speaks of, are found e. g. in the *Paradoxa*; Si S. Petrus instituisset jejunium, forte ideo fecisset, ut eo melius pisces suos vendidisset. Sacrum oleum est sicut aliud oleum, quod comedis domi in offa. Ich verachte den Bapst, die Kirche und Concilia, und lobe Christum. At his trial he was accused, no. XX., of having preached at Wiesbaden, quod videns venerabile sacramentum Eucharistiae videat Diabolum; however he did not believe it. The proceedings against him were all the more cruel, since he was already an infirm old man (*Examen die Lunae*, XX.: prae senio et debilitate vix celebrare poterat), and had been long ill. The opinion of the author of this account, who was himself present during the trial, given at the end of his report, is in the highest degree remarkable: Magister Jo. de Wesalia longo tempore gravi morbo laboravit, nihilominus inquirebatur ab eo satis fervide. Quaedam negavit se dixisse, quaedam ut

prison († 1482). On the other hand, John of Goch,<sup>15</sup> prior of a convent of nuns at Mechlin († 1475),<sup>16</sup> since he laid the chief stress

prae aetate et languore potuit conabatur interpretari, et ipse per sese etiam allegabat suam diuturnam infirmitatem. Dempto solo articulo de processione Spiritus Sancti, in aliis videtur non ita gravi censura fuisse castigandus, si induciae datae fuissent, si consultores ei fuissent adhibiti, si non omnes uno solo dempto fuissent de via Realium. Et nisi forsitan impetus quidam irrepisset in Religiosos triumphandi de Saeculari, et praesertim de eo, qui illorum Thomam peculiariter non coluerat, forsitan poterat cum eo mitius—benigniusque actum—fuisse. Deum testor, qui omnia novit, hunc processum, qui cum eo servatus fuit usque ad revocationem et librorum suorum exustionem, vehementissime displicuisse Mag. Engelino de Brunsvico, maximo Theologo, et Mag. Johanni Keisersbergio, duobus utique viris (both preachers at the time in Strasburg) cum doctis, tum integris. Praecipue Mag. Engelino visum fuit nimis praecipitanter cum tanto viro actum esse. Immo non verebatur asserere, multos articulos ejus et majorem partem posse sustineri. Nec obtulit de similitate Thomistarum contra Modernos, et de gaudio triumphandi Religiosorum contra Saeculares. Quis nisi ipse Diabolus seminavit illam zizaniam inter philosophos et inter theologos, ut tanta sit dissensio—inter eos, qui Thomam, qui Scotum, qui Marsilium imitantur, adeo ut, si universalis quisquam realis negaverit, existimetur in Spiritum Sanctum peccavisse?—Unde haec caecitas mentis, nisi a Diabolo? qui, ne utiliora, ne honestiora, ne moribus, virtutibus et salutis animarum conducentia discamus, phantasias nostras illudit, et trahit ad res minus salutares, et ad gelidas harum intentionum speculationes, quibus neque ad Deum devoti reddimur, neque ad proximi dilectionem inflammmur. Et ideo minus aedificamus in Ecclesia Dei, neque fervor Christianorum videtur augeri, sed indies diminui.

<sup>15</sup> John Pupper from Goch in Cleves. With regard to him, see Walchii Monim. Medii Aevi, fasc. iv. Praef. p. xiii. ss. and vol. ii. fasc. 1, Praef. p. ii. ss.

<sup>16</sup> His works: *De Libertate Christiana* (ed. Cornel. Grapheus. Antverp. 1521. 4. The publisher fell for this into the hands of the Inquisition, and was obliged to recant; see *Gerdesii Scrinium Antiquarium*. t. vi. p. 496 ss.). *De quatuor Erroribus circa Legem Evangelicam exortis, et de votis et religionibus facticis Dialogus* (in Walch, fasc. iv. p. 78 ss.). *Epist. Apologetica adv. quendam Praedicatorii Ordinis super Doctrina doctorum scholasticorum et quibusdam aliis* (ed. Corn. Grapheus. Antverp. 1521., reprinted in Walch, vol. ii. fasc. 1, p. 1 ss.). With regard to the source of the doctrines of faith, *Epist. Apologet.* in Walch, ii. 1, p. 10: *Sola scriptura canonica fidem indubiam et irrefragabilem habet auctoritatem. Antiquorum Patrum scripta tantum habent auctoritatis, quantum canonicae veritati sunt conformia. Haec fidei sunt amplectenda, quia canonica veritate student approbare quae dicunt. Modernorum vero doctorum, maxime Ordinum Mendicantium, scripta, pro opinionibus innixa nec fundamentum habent solidum, nec veritate illustrant intellectum, sed variis argumentorum implicationibus ipsam nudam et simplicem veritatem obnubilantia, vanitati magis deserviunt quam veritati.* (Cf. *Dialogus* in Walch, iv. p. 77 ss.) Four errors in reference to the evangelical law, *Dialog.* p. 83: *Primus fuit illorum, qui cum lege evangelica, quam Christus suis sequacibus sub modicis praeceptis et paucis sacramentis liberam dereliquit, onerosam etiam servitutem legis Mosaicæ necessariam fore ad salutem contendebant.* P. 84: *Secundum genus errorum est illorum, qui perfectionem Christianae vitae ita in sola fide constituerunt, et opera fidei sibi necessaria non crediderunt, ita ut credentes in Christo et bonum fidei habentes, omnia sibi alia licere arbitrati sint.* P. 91: *Tertium genus errorum est illorum, qui utrumque actum tam interioris volitionis quam exterioris operationis ad Christianae vitae perfectionem necessarium credunt: sed, quod naturales vires liberi arbitrii, sive naturalis facultas humanae naturae absque auxilio divinae gratiae ad hoc sufficiat, impie dogmatizare non erubescunt. Haec fuit haeresis Pelagiana, quae, quamvis ab Ecclesia sit condemnata,—in quorundam tamen cordibus quaedam reliquiae ex ea serpere reperiuntur.—*P. 99: *Hinc in exterioribus observantiis et caeremoniis rigor intolerabilis exhibetur, et circa deficientes fratres benignitas caritatis negligitur. Motus*

upon Christian freedom as the soul of all Christian virtue, was

appetitus sui infatigabiliter exequuntur, traditiones hominum magno amore amplectuntur, sed potiora legis praeterire reperiuntur. P. 109: Quartum genus erroris est illorum, qui—in hoc desipiunt, quod ad perfectiora opera legis evangelicae facienda libertatem spiritus secundum interiorem motum fidei non sufficere contendunt, sed ad hoc obligationem voti necessario requiri, impie dogmatisare non erubescunt; ita ut libertatem evangelicam in servitutem obligatoriam redigentes a pharisaica superstitione non multum distare reperiuntur. Hic est error nostri temporis, qui cum Pelagiana haeresi in multis convenire cognoscitur. P. 112: He designates St. Thomas, in this respect, as princeps erroris. P. 114 ss.: He proves that—voluntas voventis non firmatur in bono ex voto. P. 115: Religiosi possunt a bono virtutis deficere, et facinorosissimi fieri. Quod non est necesse per rationes probabiles adstruere, quia multorum vita nefandissima hoc declarat manifeste, ita ut vulgo dicatur: *quod Monachus audet praesumere, hoc Sathanas erubesceret excogitare*. P. 122: Aeternae beatitudinis praemium non est aliud, quam summi amoris exercitium. P. 124: Creata voluntas largitate divinae bonitatis repletur, et ejus amore inflammata, ad reciprocum amorem assurgit. Unde sicut in ea continua et sine fine duratura erit tanta divinae bonitatis influentia, sic continua et aeterna erit ejus creatae voluntatis ad Deum cum pleno amoris refluentia. P. 139: Anima rationalis eodem modo reducitur in Deum, quomodo exit a Deo. Sed per libertatem divinae voluntatis exit a Deo, ergo per libertatem suae voluntatis debet reduci in Deum. (Cf. Epist. Apolog. in Walch, II. 1, p. 19: Qua de causa Apostolus in omni scriptura et doctrina sua ita laborat ab evangelica libertate mosaicam servitutem excludere? Huc utique, ut omnibus patenter claresceret, neminem posse legem evangelicam nisi per libertatem Spiritus meritorie observare. Nec mirum, quia lex evangelica est lex amoris. Amare autem nemo potest, nisi per voluntatis libertatem.) P. 142: Praecepta evangelica—non ad humanae voluntatis libertatem onerandam, sed ad ipsam libertatem dirigendam ordinantur.—Sunt enim haec praecepta lumen divinae caritatis tenebris humanae ignorantiae coelitus infusum, quo divinae voluntatis beneplacitum, quae est regula omnis creatae voluntatis, manifestatur, et ad ejus conformitatem creatae voluntas dirigitur. To the question, Quare ergo Ecclesia votum fieri ordinavit, et cum tanta solemnitate fieri decrevit, si nihil boni supernaturalis in voluntate voventis efficit? an answer is given p. 164: Ecclesia mater est fidelium: in matribus autem plus solet abundare affectus, quam vigere intellectus. Et ideo in quibusdam actibus Ecclesiae magis attendendus est affectus pietatis, quam lumen discretionis. Unde fit, ut quamvis Ecclesia militans aliquando erret in effectu, eo quod Ecclesia militans fallitur et fallit: non tamen errat in affectu, quia quicquid circa Ecclesiae filios ordinat ad profectum eorum, procul dubio materno affectu disponere laborat. P. 167: Votum religionis propter infirmos et instabiles Ecclesia ordinavit, qui ad perfectam legis evangelicae observantiam sub communi institutione Christianae religionis aliter induci non poterant, et per exterioriorem obligationem sub jugo evangelicae libertatis vivere assuescerent, qui absque obligatione ad hoc non poterant edomari. Cum igitur haec ita se habeant, valde est a veritate alienum, quod quidam Religiosorum ad tam superstitiosam elationem religiones extollunt, quod in suam contumeliam status eas perfectionis dicere non erubescant. P. 177: Divina ordinatio et constitutio est sufficientissima ad summam et perfectissimam legis evangelicae observationem, et non indiget nova institutione vel ordinatione. Et ideo positivae constitutiones Ecclesiae, ordinationi divinae superadditae, non sunt, nisi quaedam exteriores honestae observantiae, ordinatae vel propter majorem reverentiam in suscipiendis vel tractandis sacramentis, ut jejuno stomacho sacramentum eucharistiae percipere,—et similia, quae nihil faciunt ad sacramenti veritatem, sed ad honorem et dignitatem. P. 180: Quod illa necessitas coactionis sit per se causa boni productiva, vel quod sit per se bonum meritorium, quemadmodum Thomistae affirmant, omnino negamus, immo falsum esse, et haeresi Pelagianae vicinum esse dicimus.—Positiva constitutio Ecclesiae—non potest se extendere ad interiorem motum voluntatis, in quo est principium merendi, sed solum ad substantiam actus exterioris, qui potest fieri absque auxilio gratiae secundum facultatem voluntatis. Dicere ergo, quod votum sit

able to teach similar doctrines unmolested; and the still more deeply penetrating John Wessel<sup>17</sup> (*Lux mundi, Magister contradictionum*), after having discharged many different academic offices at Cologne, Louvain, Paris, and Heidelberg, was allowed to end his life in peace at Groningen, his native place († 1489), although he professed a doctrine which Luther afterward acknowledged to be entirely identical with his own.<sup>18</sup>

*causa productiva meriti,—non est aliud dicere, quam quod exteriore actu voluntatis absque auxilio gratiae potest aeterna beatitudo mereri.—Haec fuit inania Pelagii haeretici, etc.—P. 199: Vita sacerdotalis, secundum eminentiam status sacerdotalis et dignitatem Ordinis regulata, est vere et simpliciter apostolica, et summa perfectio religionis Christianae. P. 207: Ex sacramentorum primaria institutione, et divina ordinatione licet omnibus sacerdotibus omnia sacramenta dispensare.—Quod ergo nunc temporis Episcopis licet conferre aliquas, quae non licent sacerdotibus,—hoc est vel propter Ecclesiae consuetudinem vel constitutionem. Multa enim Ordini sacerdotali per consuetudinem vel constitutionem Ecclesiae sunt ablata, quae divina constitutione ei sunt collata.*

<sup>17</sup> Called also Gansfort, probably from a village from which his family sprung. There are two accounts of his life, by Albr. Hardenberg, and Gerard Geldenhauer, at the beginning of the *Opp. Wesseli*. Compare, *Effigies et Vitae Professorum Academiae Groningae et Omlandiae*. Groning. 1654. fol. p. 12 ss. Guil. Muurling de *Wesseli Gansfortii cum Vita, tum Meritis in praeparanda sacrorum Emendatione in Belgio septentrionali*. Pars prior (containing the life). Traj. ad. Rhen. 1831. 8. Johann Wessel, ein Vorgänger Luthers. Zur Charakteristik der christl. Kirche und Theologie in ihrem Uebergang aus dem Mittelalter in die Reformationszeit. Von D. C. Ullmann. Hamburg, 1834. 8.

<sup>18</sup> Many of his works are lost (Hardenberg in *Vita Wess.* p. 13: *Quae in scrinulis ipsius reperiebantur ejus manuscripta omnia eo mortuo opera Mendicantium monachorum, et quorundam aliorum furore exusta erant*). Several of his treatises were sent from Holland to Luther, and first published under the title *Farrago Wesseli* (probably, Witteb. 1521), 4, since 1522 several times at Wittenberg, Basle and Marburg, as *Farrago Rerum Theologicarum uberrima, doctissima. Viro Wesselo Groningensi auctore* (compare Ullmann s. 461 ff.). In Luther's preface, prefixed to the later editions, is the passage: *Prodiit en Wesselus (quem Basilium dicunt) Phrisius Groningen. vir admirabilis ingenii, rari et magni spiritus, quem et ipsum apparet esse vere Theodidactum, quales prophetauit fore Christianos Jesaias, neque enim ex hominibus accepisse judicari potest, sicut nec ego. Hic si mihi antea fuisset lectus, poterat hostibus meis videri Lutherus omnia ex Wesselo hausisse, adeo spiritus utriusque concordat*. The complete edition, *M. Wesseli Gansfortii Opera, quae inveniri potuerunt omnia* (ed. Petrus Pappus a Tratzberg), Groning. 1614. 4, comprises, besides the *Farrago*, five treatises and a collection of letters. For Wessel's theology see Ullmann, s. 187 ff. His doctrine of justification, *De magnitudine passionis*, c. 45 (*Opp.* p. 550): *Arbitramur hominem justificari per fidem Jesu Christi absque operibus* (Rom. iii. 28), et *fides sine operibus emortua est* (Jac. ii. 27): *diversum dicunt Apostolus Paulus et Jacobus, verum non adversum. Communis utrique sententia est, justum ex fide vivere, fide inquam, per dilectionem operante*. Cap. 46, p. 558: *Qui per opera sua justificari putat, non novit, quid sit justus. Justus est, qui unicuique quod suum est tribuit. Sed quis homo unquam absolvit, ut Deo esset qualis esse debet, omni homini sit qualis esse debet? Nescit quod sit suum debitum, nescit etiam quanta sit futurorum bonorum expectatio, quam nullis operibus aequare potest: neque solum hac ignorantia errat, sed et sacrilegii (reus est), gloriam justificationis non Deo, sed sibi tribuens. Qui vero Evangelium audiens credit, desiderat, sperat, confidit ut laeta nuntia, praeterea amat evangelisatum justificantem et beatificantem, quantalibet pro consequen-*

Hence it is manifest that, with all the differences of opinion as

do faciat et patiat; non sua opera, non se operantem extollit, sed extensus totus et propensus in eum quem amat, a quo credit, cupit, sperat, confidit, justificatur, nihil sibi ipsi tribuit, qui scit nihil habere ex se. Cap. 47, p. 554: Praecepit igitur lex perfectionem, sed nihil adduxit ad perfectum. Sed quid? Num Evangelium duxit ad perfectum? Utique. Quem igitur? Omnem credentem, quoniam omni credenti Christus finis legis est ad justitiam, et fructus, quoniam ipse est, qui dat potestatem filios Dei fieri his qui credunt in nomine ejus. Credendo verbo adhaerent Verbo. Verbum Deus est. Credendo igitur Deo adhaerent: et adhaerere Deo bonum est, quia qui adhaeret Deo, unus cum eo spiritus fit, cum justo justus, cum sancto sanctus.—*Quae sit vera communicatio Sanctorum?* Opp. p. 809: Vera essentiali unitate communicant Sancti omnes, quotquot una fide, una spe, una charitate Christo cohaerent, sub quibuscunque Praelatis, quantumlibet ambitiose contententibus, aut dissentientibus, aut errantibus, etiam haereticis Praelatis degant.—Et haec est illa sanctorum communicatio, de qua in Symbolo: *credo Sanctorum communionem*.—Constat, quod valde possibile, Graecum vera pietate adfectum omnia credere in Constantinopoli sub suo Patriarcha schismatico quae Latinus Romae credit: quid illi nocet suorum haeretica pravitas? Unitas ergo Ecclesiae sub uno Papa tantum accidentaliter est, adeo ut non sit necessaria, licet conferens multum in Sanctorum communione. On Church authority, and its position relative to Scripture, *De Potestate Ecclesiastica*, Opp. p. 753: Pastor gregem Domini pascere positus est. Verum quis grex pascendus rationis et liberi arbitrii est, non prorsus in potestate pastoris traditus est, ut nihil ab eo exigatur, nisi pastori obedire. Debet enim ovis ipse dinoscere quibus pascatur, quibus inficiatur, et quomodocunque, oblatam etiam a pastore ipso, vitare pestiferam infectionem. Et in hoc si sequatur pastorem, non excusatur. Debet ergo populus pastores ad pascua sequi. Quando vero non pascit, pastor non est: neque tunc, velut inofficioso, grex ei parere tenetur. P. 769: Nemo magis Ecclesiam destruit, quam corruptus Clerus. Destruentibus Ecclesiam omnes Christiani tenentur resistere, usque etiam ad ultimos, puta rusticos juxta illud 2 Thess. iii. 6. Sancta quippe rusticitas quantum Ecclesiam Dei aedificat vitae merito, tantum nocet, si destruentibus eam non resistit. P. 759: Propter Deum Evangelio credimus, et propter Evangelium Ecclesiae et Papae, non Evangelio propter Ecclesiam. Unde quod Augustinus (contra Epist. Manichaei, c. 6: *ego vero Evangelio non crederem, nisi me catholicae Ecclesiae commoveret auctoritas*) de Evangelio et Ecclesia dicit, originis de credendo verbum est, non comparationis aut praerogativae. Dixit enim Apostolis Dominus Jesus: *Praedicate omni creaturae, docentes eos servare quaecunque praecepi vobis* (Matth. xxviii. 19, 20). Non igitur audiendi, nisi quantum missi: non missi, nisi cum Evangelio: non evangelisantes, nisi secundum Evangelium. Sed quia verisimilius est, unum aliquem penes Evangelium toti multitudini contradicentem errare, quam totam doctorum virorum Ecclesiam, ideo debet, quicumque ille fuerit, semper suspectum se habere, et formidare de errore. Verum quia scit, non impossibile, multos Doctores errare, debet semper adparentem Evangelii veritatem primo amplecti. Debet igitur sedulo diligenter inquirere veritatem et intelligentiam Evangelii. Debet tertio rationes contradicentium diligenter attendere, et illi parti, quam viciniorem Evangelio invenerit, firmiter adhaerere.—Ex illo verbo Domini Jesu: *super cathedram Moysi sederunt scribae et Pharisei: omnia ergo, quae dixerint vobis servare, servate et facite* (Matth. xxiii. 2, 3), multi Praelatorum Ecclesiae trahunt erroniam et falsam intelligentiam. Putant enim ex hoc verbo datam eis authenticam potestatem, ut obligare possint auditorem ad servandum et faciendum quae dicunt.—Oportet tam Praelatorum quam Doctorum praecepta sic servare et facere, quemadmodum Paulus (1 Thess. v. 21, see p. 756) monuit, hoc est, quam diu in cathedra Moysi sedentes secundum Moysen dicunt. Et si quid extra vel contra, non magnopere ligat fideles contra legem perfectae libertatis. Dei enim servi sumus, non Papae: cui utique serviremus, si ad omnia ejus qualiacunque obligaremur. Dictum est autem: *Dominum Deum tuum adorabis, et illi soli servies* (Matth. iv. 10). P. 748: Papa tenetur credere et obligatur cum omnibus obligatis fidelibus. Et quando credit sicut obligatur, tunc fideles obligantur credere quod ipse credit: non quia ipse credit, sed quia credit quod credere debet.

to the corruptions of the Church, still the feeling of the necessity

Et si alius melius eo crediderit, quod credere debet, ipse Papa debet cum illo credere quocunque, etiam laico et muliere.—Unde concluditur, quod licet verisimiliter praesumendum sit, summum Pontificem et Praelatos tanto rectius ad veritatem Evangelii incidere, quanto ceteris aliis altius in sublime dignitatis evecti sunt, et ita, ceteris paribus, potius illis, quam alicui subditorum credendum; non tamen simpliciter subditos obligatos ad credendum illis. Hoc nempe adeo irrationabile est et blasphemiae plenum, ut etiam quacunquae haeresi pestilentius inveniatur. Potest nempe Praelatus errare.—Summorum enim Pontificum plerique pestilenter erraverunt, ut novissimis diebus nostris in Constantia, celebri Concilio claruit, Benedictus, Bonifacius, et Johannes XXIII. quam graviter fidem lacerarint. Et nostris postremis diebus Pius II. et Sixtus IV., quorum alter patentibus bullis regna terrarum sibi vindicavit, alter turpissimas dispensationes, non solum de praestito in causa civili juramento, sed etiam de praestando—emisit in abusu potestatis Apostolicae; quicquid F. Petrus vel Comes Hieronymus insolenter aut avare gesserunt, ipse postea cum resciret ratificavit, etiam bullis plumbatis. *De sacramento poenitentiae*, p. 779: Contra communem opinionem de monarchia Romani Pontificis est, quod impossibile homini est fines orbis terrae nosse, qui nullo unquam cosmographo omnes comprehensi sunt. Quomodo igitur judicabit, quos nosse non poterit? Quomodo judicabit fidem, quorum linguam ignorat? Unitatem igitur Ecclesiae sibi Spiritus Sanctus fovendam, vivificandam, conservandam retinuit et augendam, non Romano Pontifici, saepe non curanti, reliquit. On the Lord's Supper, *De sacram. Eucharistiae*, c. 24, p. 696 s.: Ubicunque nomen ejus benedictum,—vere illic ipse est non solum divinitate praesens et benevolentia, sed etiam corporaliter praesens.—Non hic dico, datum cuilibet homini Christiano, ut possit, cum velit, sacramentaliter per Eucharistiam habere praesentem: hoc enim solis datum est sacerdotibus. Sed hoc dico, vere praesentem commemoranti nomen ejus, vere praesentem Dominum Jesum non sola deitate sua, sed et carne sua et sanguine, et humanitate tota. Quis enim dubitabit, corporaliter saepe praesentem Dominum Jesum suis fidelibus in eorum agonibus, non propter hoc dimisso in coelestibus consessu ad dexteram Patris? Quis dubitabit, ita posse hoc simul tempore fieri extra Eucharistiam, sicut in Eucharistia? Cap. 28, p. 703: Sic participare corpori et sanguini, hoc manducare est magis, quam si decies millies Eucharistiam ad altare de manu sacerdotis arido corde, frigida voluntate, licet etiam in statu salutis, capiamus. Cap. 8, p. 678: Corpus autem et sanguis Domini Jesu quantumlibet sancta sint, corpora tamen sunt, non spiritus. Unde si corporaliter tantum sumantur, non solum non spiritualiter reficient manducantem, sed occident.—Unde Dominus (Jo. vi. 63): *Spiritus est, qui vivificat, caro non prodest quidquam*, h. e. parum est de carne quantumlibet sancta, sed operis magnitudo, et ineffabilis dilectio, et charitas offerentis per Spiritum Sanctum, illa est quae vivificat. Cap. 10, p. 678: Valde notandum verbum Domini (Jo. vi. 53): *nisi manducaveritis, non habebitis vitam in vobis*. Habent autem vitam veram, qui credunt in eum. Ergo qui credunt in eum, hi sunt, qui manducant carnem ejus.—Manducabat ergo Paulus primus Eremita etiam temporibus illis, quibus mortalem nullum, ne dicam sacerdotem communicantem, videbat. Sed manducabat, quia credebat; et quod credebat, crebro commemorabat, etc. On penance, *De Sacram. poenitentiae*, p. 789: Dicunt communiter, ad integritatem Sacramenti poenitentiae tria concurrere, contritionem, confessionem, satisfactionem. Sed hi, si intelligerent vim verbi in Psalmo (li. 18): *Cor contritum et humiliatum Deus non despicias*, non tam importune instarent. Quid enim est cor contritum, nisi cor ad minima comminutae et fractae duritiae obduratae mentis humiliatum cor?—Si ergo, qui cor durum conterit et abjicit, cor pium et spontaneum Deo non despiciendum offert, profecto jam humiliato corde justus, et jam Deo satisfactum in remissionem peccatorum. Non ergo prima contritio, neque postrema satisfactio ad Sacramentum poenitentiae vivificantis et justificantis ex morte ad vitam necessariae sunt, licet sine vera contritione, etc., sicut nec sine vera humilitate vita Spiritus vel redit, vel conservatur. Participatio sacramentorum est opus gratiae, non justitiae.—Poenitentia, si sacramentum est, contritione non eget, quia contritio justitiae opus est, et ita contritus ante sacramentum justus.—Infusae jam

gratiae opus est contritio, detestatio videlicet peccati, opus merae iustitiae: non ergo pars sacramenti poenitentiae, quia sacramentum poenitentiae praecedit, et operatur justificationem. P. 791: Neque dolor, neque tristitia, neque contritio in oculis Dei accepta sunt magis, quam amor, ex quo procedunt. P. 777: Nullus confitetur, nisi memor. Nullus memor, nisi justificatus ad vitam.—Patet ergo, quod antequam quis confiteatur peccatum suum, jam a reatu suae praevagationis, quo aeterna sibi supplicia debebantur, per gratiam internae compunctionis absolvitur. P. 795: Confessio sacramentalis ex forma sua non est judicialis, ita ut, si non adsit iudicium—confessoris, non sit actus contentis et absolventis vere verum sacramentum. Sufficit enim ad veritatem efficacis sacramenti, ut confitens vere et fideliter dicat, confessor post acceptam illius confessionem absque judiciali discussione absolvat. Quia sicut poenitentis confessione lavat poenitentem Deus, et non peccator; ita sacerdotis absolutione dimittit Deus, et non confessor. Hi ministerium exhibent, sed mysterium operatur Deus.—De confitente et confessione solum iudicat Deus, nihil de confessis peccatis. Quomodo enim iudicare creditur confessa, qui confitenti promisit omnia retroacta per solam confessionem condonare? Stulte ergo faciunt, qui post confessionem non solum iudicant, sed etiam post absolutionem terrores fiunt, flagris feriunt, virgis percutiunt. P. 796: Valde irrationabiliter de Sacramento confessionis loquuntur, qui adjunctam satisfactionem adserunt essentiali partem poenitentiae. Primo, quia detractant sacramentali sufficientiae, qui non putant, Principis donationem sufficere ad remissionem. Secundo, falsificant verbum absolutionis, quia, cum dicunt absolvo, postea ligant, et innodatum dimittunt. Sed quod omnium gravius est, universum sacramentum periclitant, quia protrahunt usque in peractam totaliter poenitentiam inunctam. Unde si fragilis ille iterum tempore medio labatur durante sacramento propter obicem positum in parte sacramenti, totum sacramentum facit nullum fuisse. Quae enim essentialiter unum constituunt, unius nullitate omnia fiunt nulla. On *indulgence, Epist. ad Jac. Hoeck de indulgentiis*, p. 878: A puero ridiculum et indignum semper mihi visum credere, aliquem hominem suo decreto posse facere, quo bonum in oculis Dei ut quatuor, fieret bonum ut octo.—Num tibi leves aut fuitiles causae videntur, quibus ab hac nova indulgentiarum adsertione Patres ante Albertum ac Thomam, ut ipsi scripto testantur, discesserunt, asserentes, nihil esse nisi piam fraudem, ac dolum non malum, quo plebs officioso errore trahatur ad pietatem? *De Sacram. poenitentiae*, p. 778: Pari passu auctoritatis seu potestatis clavium ambulat indulgentiae et excommunicatio, neque plus potest Papa in reconciliandis Deo animabus, quam possit alienandis. Sed in excommunicandis nihil potest, nisi per forum ecclesiasticum foris ad oculum separare, et destituere etiam corpora mortuorum ecclesiastica sepultura: similiter in indulgentiis a vinculo Canonum et censuris liberare. Deo autem praeter simplicem usum aut abusum fidei, spei et charitatis nihil est quod conciliare aut alienare possit. Non enim reconciliatus Deo per gratiam sacramentalem et caritatem plus ei reconciliatur arbitrio aut aestimatione Papae, aut excommunicatione Papae magis alienatur a Deo. Non enim liceret excommunicare, si magis alienaret a Deo. Non enim licet ei facere magis peccatores, etc. Fidelis et prudens in domo Domini sui servus nihil facit praeter et extra voluntatem Domini sui: et quidquid facit in domo Domini sui, Dominus ratum et firmum habet.—Nec ad hoc eum Ordinis dignitas authenticat, sed charitas per Spiritum Sanctum diffusa in corde.—Immo nec sexus femineus obstat, quin si fidelis et prudens charitatem habeat diffusam in corde suo, possit et ipse conformiter sentire, iudicare, favere, diffinire divino iudicio. On *purgatorio*, p. 829: Purgatorium ignis est, qui interioris hominis sordes etiam carne soluti comitantes purgat potius, quam torquet.—Has maculas intellectualis disciplinae ignis secundum Apostolum (1 Cor. iiii. 11 sa.) probat,—et lignum, foenum, stipulam exurit, donec super unicum, verum, solum et solidum fundamentum, Jesum Christum, nihil remanet supraedificatum, nisi argentum, aurum, lapides pretiosi. P. 834: Sunt igitur (defuncti) in tali statu, quem si sciremus gauderemus. In statu igitur non misero, non sub virga licitoris, aut in igne praeparato Diabolo et angelis ejus, sed sub disciplina Patris instituentis, et eorum quotidiano profectu gaudentis. P. 846. *Thesis* 83: Quod Christi Evangelium est solum, verum, praecipuum purgatorium, licet etiam alia minus principaliter possint rationabiliter tolerari. 84. Quod idem ergo verum purgatorium est

of a reformation was universally diffused.<sup>19</sup> Nor is it to be wondered at that the wish for reform often led to hope, and hope to confident expectation, which also found utterance in prophecies.<sup>20</sup>

paradisus, sed amanti tanto amarior, quanto magis ipse purgator divino amore flagrarit. 85: Hunc flagrantis animae ardorem et amaritudinem ego puto verum, postremum et perfectissimum purgatorium.

<sup>19</sup> See above, § 186, notes 80 and 81. Guillelmus Budæus, *De Asse et Partibus ejus* (Paris, 1514 fol.), fol. 146 ss., laments with great eloquence over the corruption of the clergy and the Papacy. Fol. 150 b: Quid vinea Domini, nonne ita degeneravit in labruscas, ut primo quoque tempore repastinanda videatur, et ex situ et carie negligentiae pastino quodam restituenda censuræ? Certe manum poscit et flagitat solertis et industrii vinitoris, qui palmites fructuarios et munifices a pampinariis internoscat, etc. Fol. 152: Status civitatis orthodoxae e sede severitatis et disciplinae convulsus manum quandam Paoeniam poscit, ut apte et placide in eam reponatur, et luxata Ecclesiae membra in artus suos redeant. Sic fiet, ut principes Ecclesiae non auro obryzo, non argentea supellectili, non opimis obventionibus et numerosis titulis opum suarum magnitudinem metiantur, quae gazas Regum provocare, non divitias priscorum antistitum aemulari videntur: sed bonis internis, sed copia doctrinae, sed his animae Christo desponsae dotibus, quae in cordis scriniolis tanquam in gazophylaciis mystici fani conduntur.

<sup>20</sup> Melancthon, in *Apologia Conf. Aug. xiii. de votis Monasticis* (ed. Rechenberg, p. 276): Apud nos in oppido Thuringiae Isenaco Franciscanus quidam fuit ante annos triginta, *Johannes Hilten*, qui a suo sodalicio coniectus est in carcerem propterea, quod quosdam notissimos abusus reprehenderat. Vidimus enim ejus scripta, ex quibus satis intelligi potest, quale fuerit ipsius doctrinae genus.—Is multa praedixit, quae partim evenerunt hactenus, partim jam videntur impendere. (His work, *Comm. in Apocalypsin et textum Danielis*, quantum concordat cum Apocalypsi, vel eam supplet, from which there are some extracts in *Melch. Adami Vitae Theologorum*, p. 2 s., reveals his bent of mind. He calculated the end of the world for the year 1651). Sed postremo, cum vel propter aetatem, vel propter squalorem carceris in morbum incidisset, accersivit ad se Guardianum, ut suam valetudinem illi indicaret, cumque Guardianus accensus odio Pharisaeo duriter objurgare hominem propter doctrinae genus, quod videbatur officere culinae, coepisset, tum iste omissa jam mentione valetudinis ingemiscens inquit, se has injurias aequo animo propter Christum tolerare, cum quidem nihil scripisset aut docuisset, quod labefactare statum Monachorum posset, tantum notos quosdam abusus reprehendisset. Sed alius quidam, inquit, *veniet anno Dom. MDXVI., qui destruet vos, nec poteritis ei resistere.* Hanc ipsam sententiam de inclinatione regni Monachorum, et hunc annorum numerum postea etiam repererunt ejus amici perscriptum ab ipso in commentariis suis inter annotationes, quas reliquerat in certos locos Danielis. Of *Andrew Proles*, prior of the monastery of Heaven's Gate, near Wernigerode, and provincial of the Augustines († 1503), an aged monk of that monastery gave the following account to Flacius (see *Catal. Test. Verit.* ed. Francof., 1666, p. 849): Ab ipso saepe audiavi inter praelegendum haec verba: Auditis, fratres, testimonium scripturae sanctae, quod gratia sumus quicquid sumus, et gratia habemus quicquid habemus. Unde igitur tantae tenebrae, et horrendae superstitiones? O fratres, res Christiana opus habet forti et magna reformatione, quam quidem jam prope instare video. Quaerentibus fratribus, quare ipse non inciperet reformationem, ac erroribus sese opponeret, respondebat: Videtis, fratres, me esse aetate grandaevo, corpore et viribus debilem, et agnosco, me non esse praeditum tanta doctrina, industria et eloquentia, quantum haec res postulat. Sed excitabit Dominus heroem aetate, viribus, industria, doctrina, ingenio et eloquentia praestantem, qui reformationem incipiet, erroribusque sese opponet: si Deus animum dabit, ut Magnatibus contradicere ausit; et ipsius ministerium salutare Dei beneficio comperietis. Solitus est etiam saepe dicere inter praelegendum: Regnum Papae magnam minatur ruinam, quia nimis alte et nimis cito crevit. Luther also relates of Proles in his work: *Von den neuen Eckischen Bullen und Lügen*, tom. i., Jenens. f. 859, that



## § 154.

## REFORMATORY INFLUENCE OF THE REVIVAL OF LETTERS.

Fresh aids, entirely wanting to the schoolmen, for a scientific examination of ecclesiastical matters, were furnished by the unsealing of ancient lore.<sup>1</sup> Already, in the fourteenth century, Dante and Petrarch drew attention in Italy to the old Roman poets; and Boccaccio had awakened an interest for the Greeks also. But Latin literature was first established on firmer and more comprehensive ground by John of Ravenna, teacher of Latin at Padua and Florence († before 1420); Greek literature by Emanuel Chrysoloras, who labored in this cause at Florence and Pavia, † 1415. The decline of the Grecian empire, and the final fall of Constantinople, induced many learned Greeks to seek refuge in Italy (from 1420 to 1430: George of Trapezium, † 1484; John Argyropylus, † 1486; Theodore Gaza, † 1478. At the time of the Council of Florence in 1438: Bessarion, † 1472; George Gemistius Pletho, who returned to Greece in 1441. After the conquest of Constantinople, in 1453: Emanuel Moschopylus, Constantine Lascaris, Demetrius Chalkondylas). In contrast with their one-sided partiality for Hellenism, a feeling of patriotism was constantly awakened in Italy, to vindicate with due honor Roman antiquity also: thus there soon arose numerous learned Italians, distinguished in Grecian and Roman literature (Gasparinus, † 1431; John Aurispa, † 1459; Guarinus, † 1460; Leonardo Bruno Aretinus, † 1444; Poggius, † 1459; Francia Philelphus, † 1481; Laurentius Valla, † 1456; Nicholas Perottus, † 1480; Christopher Laudinus, † 1504; Philip Beroaldus the elder, † 1504; Hermolaus Barbarus, † 1493; Angelo Politianus, † 1494). Many Italian princes made the encouragement of ancient literature a matter of hon-

when he saw a picture of Dr. John Zacharias, decorated with a rose in acknowledgment of his services in the condemnation of Huss, he exclaimed: "O wehe, ich wollte nicht gern die Rosen mit denen Ehren tragen." Compare, *Das Leben des Andreas Proles, eines Zeugen der Wahrheit vor Luthero*, beschrieben von M. Gottfr. Schütze. Leipzig, 1744. 8.

<sup>1</sup> C. Meiner's *Lebensbeschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissenschaften*, 3 Bände. Zürich, 1795-'97. 8. A. H. L. Heeren *Gesch. der classischen Literatur im Mittelalter*. 2 Theile, (a new edition, in his *Historical Works*, Th. 4. u. 5. Göttingen, 1822). Th. 1, s. 816 ff. Dr. H. A. Erhard, *Gesch. des Wiederaufblühens wissenschaftl. Bildung, vornehmlich in Teutschland bis zum Anfange der Reform*. 3 Bde. Magdeburg, 1827-'32. 8.

or (especially the Medici at Florence, Cosmo from 1429 to 1464, and Lorenzo from 1469 to 1492; Alphonso V., king of Aragon and Naples, from 1442 to 1458; Pope Nicolas V., from 1447 to 1455), and thus even in the fifteenth century learning was widely extended and highly esteemed in Italy.

Especially was the cultivation of the taste, to be obtained from the ancient writers, universally valued, without considering that, on the one hand, the servile admiration and imitation of antiquity, in which the newly-awakened love for it found its expression among the humanists, necessarily endangered their attachment to the Church; while, on the other hand, fresh impulses and facilities for making hazardous investigations into Church doctrines and opinions would be furnished by the scientific knowledge of ancient learning. The Italian humanists anxiously avoided every thing which looked as though their learning had any points of contact with theology. Laurentius Valla, teacher at Naples and Rome (1456), was the only one<sup>2</sup> who showed, in a few cases, the dangerous influence which researches into antiquity might exercise upon Church opinions. The new Platonists, who took their rise from the Platonic Academy<sup>3</sup> founded by Cosmo de Medici, with the help of Gemistius Pletho, at Florence in 1440, adopted in Neoplatonism a philosophical syncretism, exposed to the most manifold superstitions, which for the most part coincided with the Church system.<sup>4</sup> Nevertheless, by reason of its independent princi-

<sup>2</sup> With regard to him, see Tiraboschi, *Storia della Letteratura Italiana* VI., ii. p. 301 ss. Heeren, *Th. 2*, s. 248 ff. How he was pronounced a heretic by the clergy on account of certain philosophical works, in which he defended Epicureanism and maintained offensive doctrines with regard to free will, he records himself in his *Apologia pro se et contra calumniatores ad Eugenium P. IV.* Then, he denied the genuineness of the correspondence between Christ and Abgarus, and declared the commonly received account of the origin of the Apostles' creed to be false. Most remarkable is his work, *De ementita Constantini Donatione Declamatio ad Papam.*—Opera. Basil., 1543. fol.

<sup>3</sup> K. Sieveking, *Gesch. d. platon. Academie zu Florenz*. Göttingen, 1812. Heeren, *Th. 2*, s. 41.

<sup>4</sup> Tennemann's *Gesch. der Philosophie*. Bd. 9, s. 188 ff. The men most distinguished in this line were Marsilius Ficinus, teacher in the Platonic Academy at Florence, († 1499; see J. G. Schelhorn, *De Vita, Moribus et Scriptis Mars. Fic.*, in his *Amoenitatt. Liter.*, i. p. 37), and Joannes Picus, count of Mirandula († 1494; his life, by his nephew, Jo. Franc. Picus, is prefixed to the works of both. Basil. 1573 and 1601. 2 Bde. fol. *Meiners Lebensbeschreibungen*, Bd. 2, s. 3 ff.). Jo. Picus was the first to introduce the Jewish Cabbala also into this syncretism. He says of the Cabbalistic writings, *Apologia*, *Opp. i.* p. 82: *Hos ego libros non mediocri impensa mihi cum comparassem, summa diligentia, indefessis laboribus cum perlegissem, vidi in illis (testis est Deus) religionem non tam Mosaicam, quam Christianam; ibi Trinitatis mysterium, ibi verbi incarnatio, ibi Messiae divinitas, ibi de peccato originali, de illius per Christum ex-*

ple, and its internal vitality, it was by no means unlikely to cause danger to the Church.<sup>5</sup> In opposition to this Platonism, the genuine Aristotelian system also recovered some adherents,<sup>6</sup> and led them into a dangerous skeptical tendency.<sup>7</sup> This skepticism, supported partly by some isolated attempts at historical criticism, partly by disregard for every thing which did not belong to the

platione, de coelesti Hierusalem, de casu Daemonum, de ordinibus Angelorum, de purgatoriis, de inferorum poenis eadem legi, quae apud Paulum et Dionysium, apud Hieronymum et Augustinum quotidie legimus. In his vero, quae spectant ad philosophiam, Pythagoram prorsus audias et Platonem, quorum decreta ita sunt fidei Christianae affinia, ut Augustinus noster immensas Deo gratias agat, quod ad ejus manus pervenerint libri Platoniorum.

<sup>5</sup> This was especially displayed in the 900 theses which John Picus, when twenty-four years old, in 1486, sent out to the whole world, to be discussed in Rome. He himself records the impression which this step made in Rome, *Apologia*, Opp. i. p. 76: Aliqui philosophiam et literas omnino carpere, illud etiam (ut viderentur scioli) quandoque addentes, ejectum Adam de Paradiso, quod per scientiam boni et mali aequalem se Diis facere voluit: exterminandos pari exemplo de Christi curia, qui volunt sapere plus quam oportet.—Ex his autem, qui sapientiam, i. e. theologiae studium, profitebantur, quidam fuere, qui conviciis forte levioribus non contenti, non jam audacem me, non temerarium, non gloriosum, sed magum, sed impium, sed novum in Christi Ecclesia haeresiarcham praedicarent. The following thirteen Theses were designated as objectionable. Opp. i. p. 42: I. Christus non veraciter, et quantum ad realem praesentiam descendit ad inferos, ut ponit Thomas et communis via, sed solum quoad effectum. II. Peccato mortali finiti temporis non debetur poena infinita secundum tempus, sed finita tantum. III. Nec crux Christi, nec ulla imago adoranda est adoratione latrae, etiam eo modo, quo ponit Thomas. IV. Non assentior communi sententiae theologorum dicentium, posse Deum quamlibet naturam suppositare, sed de rationali tantum hoc concedo. V. Nulla est scientia, quae nos magis certificet de divinitate Christi, quam Magia et Cabala. VI. Si teneatur communis via de possibilitate suppositionis in respectu ad quamcunque creaturam, dico, quod sine conversione panis in corpus Christi, vel paneitatis annihilatione potest fieri, ut in altari sit corpus Christi secundum veritatem sacramenti Eucharistiae: quod sit dictum loquendo de possibili, non de sic esse. VII. Rationabilis est credere Origenem esse salvum, quam credere ipsum esse damnatum. VIII. Dico probabiliter, et nisi esset communis modus dicendi theologorum in oppositum, firmiter assererem: assero tamen hoc dictum in se esse probabile, et est quod, si cut nullus opinatur aliquid ita esse praecise, quia vult sic opinari, ita nullus credit aliquid esse verum praecise, quia vult credere id esse verum. IX. Qui dixerit, accidenti existere non posse, nisi inexistat, Eucharistiae poterit sacramentum tenere, etiam tenendo, panis substantiam non remanere, ut tenet communis via. X. Illa verba, "Hoc est corpus, etc.," quae in consecratione dicuntur, materialiter tenentur, non significativa. XI. Miracula Christi non ratione rei factae, sed ratione modi faciendi suae divinitatis argumentum certissimum sunt. XII. Magis improprie dicitur de Deo, quod sit intellectus vel intelligens, quam de anima rationali, quod sit Angelus. XIII. Nihil intelligit actu et distincte anima, nisi se ipsam.

<sup>6</sup> The controversy with regard to the pre-eminence of Plato or Aristotle, may be seen in Tennemann, Bd. 9, s. 54 ff. On the Aristotelians see s. 63 ff.

<sup>7</sup> The representative of this skepticism is Petrus Pomponatius, teacher of philosophy at Padua and Bologna, † 1526. In his works *De Immortalitate Animae*, *De Fato*, *Libero Arbitrio*, *Praedestinatione et Providentia*, he maintains the immortality of the soul, the eternity of the world, and providence, as philosophical problems, but he never forgets to add, that he submits to the faith of the Church; see Tennemann, Bd. 9, s. 64 ff.

province of philology, was shared by many of the Italian humanists, and worked among them an unbelief which not unfrequently infringed upon the most generally admitted truths of religion,<sup>8</sup>

<sup>8</sup> Marsilius Ficinus, in *Praef. ad Plotinum*: Nos ergo in theologia superioribus apud Platonem et Plotinum traducendis et explanandis elaboravimus, ut hac theologia in lucem prodeunte et poetae desinant gesta mysteriaque pietatis impie fabulis suis annumerare, et Peripatetici quam plurimi, id est philosophi pene omnes, ammoneantur, non esse de religione saltem communi tanquam de anilibus fabulis sentiendum. Totus enim ferme terrarum orbis a Peripateticis occupatus in duas plurimum sectas divisus est, Alexandrinam et Averroicam. Illi quidem, intellectum nostrum esse mortalem existimant, hi vero unicum esse contendunt. Utrique religionem omnem funditus aequo tollunt, praesertim quia divinam circa homines providentiam negare videntur, et utrobique a suo etiam Aristotele defecisse, cujus mentem hodie pauci—ea pietate, qua Theophrastus olim et Themistius—interpretantur. Si quis autem putet, tam divulgatam impietatem, tamque acerbis munitam ingeniis, sola quadam simplici praedicatione fidei apud homines posse deleri, is a vero longius aberrare palam re ipsa procul dubio convincetur. Majore admodum hic opus est potestate, id autem est vel divinis miraculis ubique patentibus, vel saltem philosophica quadam religione, philosophis eam libentius auditoris quandoque persuasura. These two errors were so widely diffused that even the general Lateran Council, A.D. 1513, thought it best to declare itself against them; see *Sess. VIII.* (*Conc. ed. Labbei et Cossartii*, xiv. p. 187): Cum diebus nostris, quod dolenter referimus, zizaniae seminator, antiquus humani generis hostis, nonnullos perniciosissimos errores a fidelibus semper explosos in agro Domini superseminare et augere sit ausus, de natura praesertim animae rationalis, quod videlicet mortalis sit, aut unica in cunctis hominibus; et nonnulli temere philosophantes, secundum saltem philosophiam verum id esse, asseverent: contra hujusmodi pestem opportuna remedia adhibere cupientes, hoc sacro approbante Concilio damnamus et reprobamus omnes asserentes animam intellectivam mortalem esse, aut unicam in cunctis hominibus, et haec in dubium vertentes.—Cumque verum vero minime contradicat, omnem assertionem veritati illuminatae fidei contrariam omnino falsam esse definimus, et ut aliter dogmatizare non liceat, districtius inhihemus: omnesque hujusmodi erroris assertionibus inhaerentes—ut detestabiles et abominabiles haereticos et infideles vitandos et puniendos fore decernimus. Insuper omnibus et singulis philosophis in universitatibus studiorum generalium—districte praecipiendo mandamus, ut cum philosophorum principia aut conclusiones, in quibus a recta fide deviare noscuntur, auditoribus suis legerint seu explanaverint, quale, hoc est de animae mortalitate aut unitate, et mundi aeternitate, ac alia hujusmodi, teneantur eisdem veritatem religionis Christianae omni conatu manifestam facere, et persuadendo pro posse docere, ac omni studio hujusmodi philosophorum argumenta, cum omnia solubilia existant, pro viribus excludere atque resolvere. See the stories told in Italy, even in the higher circles, about the popes, in *Jo. Fr. Pici de Fide et Ordine credendi*, *Theorema IV. Opp. II. p. 177*: alium meminimus Pontificem creditum et ordinatum, quem tamen praestantes viri putarent, nec Pontificem eum esse, nec esse posse, utpote qui nullum Deum credens omnem infidelitatis culmen excederet; pessimaque ejus opera in coemendo Pontificatu, in omnigenis sceleribus exercendis id ipsum testabantur, sed et pessima quoque dicta confirmabant. Namque factum eum affirmabatur domesticis quibusdam, nullum se Deum aliquando, etiam dum pontificiam sedem teneret, credidisse: et alium audivi Pontificem summum, qui vivens familiari cuidam aperuerat, apud se animarum immortalitatem minime creditam, mortuus vero eidem per vigiliam apparuit divino judicio manifestans, se, quam mortalem crediderat animam, immortalem tum maximo cum damno et perpetuis cum ignibus experiri. He says something of the same kind in his *Vita Savonarolae*, in *Batesius*, p. 112. See § 158, note 5. Accordingly, the expression which Leo X. is said to have allowed himself to use before his private secretary, Peter Bembo (*Mornaei Hist. Papatus. Salmur. 1611, p. 820*): Quantum nobis nostrisque ea de Christo fabula profuerit, satis est omnibus saeculis notum, is at least not

but nevertheless concealed itself beneath an outward adherence to the Church. Only scholasticism, though in fact a main support of the Church, might be assailed without disguise, and held up to ridicule for its barbarism<sup>9</sup> and its reverence of a perverted

without analogous cases. *Erasmii Responsio Nervosa ad Albertum Pium, Principem Carpensem*, in v. d. Hardt. *Hist. lit. Reform.* I. p. 178: Qui divina derideant, facilius invenies in Italia apud tui ordinis homines, atque adeo in illa laudatissima Roma, quam apud nos. Idem, lib. xxvi. ep. 84. ad Augustinum Eugubinum (Opp. ed. Cleric. III. ii. p. 1382): At ego Romae his auribus audivi quosdam abominandis blasphemis debacchantes in Christum, et in illius Apostolos, idque multis mecum audientibus, et quidem impune. Ibidem multos novi, qui commemorabant, se dicta horrenda audisse a quibusdam sacerdotibus aulae Pontificiae ministris, idque in ipsa Missa, tam clare, ut ea vox ad multorum aures perveneret. Id. ad Guolfgangum Fabricium Capitonem (l. c. III., i. p. 189): Omnia mihi pollicentur, rem (bonarum literarum) felicissime successuram: unus adhuc scrupulus habet animum meum, ne sub obtentu priscae literaturae renascentis caput erigere conetur Paganismus, ut sunt et inter Christianos, qui titulo pene duntaxat Christum agnoscunt, caeterum intus gentilitatem spirant: aut ne renascentibus Hebraeorum literis Judaismus meditetur per occasionem reviviscere, qua peste nihil adversius, nihilque infensius inveniri potest doctrinae Christi. Sic enim fert natura rerum humanarum, ut nullius unquam boni tanta fuerit felicitas, quin hujus praetextu mali quippiam simul conaretur irrepere. Compare Henke in Villers *Versuch über den Geist und den Einfluss der Reformat. Luthers*, übers. v. Cramer. 2te Aufl. Hamb. 1828. Abthl. 2, s. 60 ff.

<sup>9</sup> Hermolaus Barbarus, Ep. ad Jo. Picum Mirandulae (in Angeli Politiani *Epist.* lib. ix. Ep. 3), speaks the general opinion of the humanists on this head: Neque enim inter auctores latinae linguae numero Germanos istos et Teutonas (l. c. barbarians), qui ne viventes quidem vivebant, nedum ut extincti vivant, aut si vivunt, vivunt in poenam et contumeliam. Appellantur enim vulgo sordidi, rudes, inculti, barbari. Quis malit sic esse, quam prorsus non esse? Atenim utile aliquid dixerunt, valere ingenio, doctrina, bonarum rerum copia: non nego penitus, quod et possum negare: sed sermo nitidus et elegans, saltem purus et castus, qualis vel in auctoribus Christianis graecis latinisque perspicitur, laudem et memoriam sempiternam scriptoribus conciliat, nisi quis pictorem, et excusorem, et statuarium, et caeteros opifices laudari posse judicet hoc solo, quod magni constet et preciosa sit materia, circa quam versentur. Picus in his reply endeavors to defend the schoolmen (l. c. Ep. 4): Perdiderim, ego inquam, apud Thomam, Joannem Scotum, apud Albertum, apud Averroem meliores annos, tantas vigiliis, quibus potuerim in bonis literis fortasse nonnihil esse? He tries to prove, non defuisse illis sapientiam, si defuit eloquentia, quam cum sapientia non conjunxisset, tantum fortasse abest culpa, ut conjunxisset sit nefas. Hermolaus replies to this (l. c. Ep. 5): Illud sane plurimum me delectat, quod sub specie defensionis exitialiter jugulas quos defendis: primum quod hostes eloquentiae tueri se nisi per eloquentes viros non possunt, quasi mancipia, quasi bruta, deinde quod, si te patrono, te vindice, te advocato non elabuntur, neque colluctari, neque tergiversari praeterea poterunt. Proinde et amicis, quos habeo Patavii, certior factus sum, apologiam tuam, quae Scytharum et Teutonum est inscribi coepta,—molestissimam accidisse majori eorum parti quos defendis, aliis aliter factum tuum interpretantibus.—Ad quae si qui sunt ex illis paulo minus asini, volebam dicere ἀμύνοσι, auriculas tantum movent: caeteri diffugiunt, respuunt, detestantur. Quorum e numero unus aliquis a Gymnasio Patavino (nihil confingo, Picus, ridiculam omnino, sed veram historiam denarro) audaculus et insolens, cujusmodi ferunt, qui literas humaniores et odio et ludibrio habent, Picus, inquit iste, quisquis est grammaticus opinor, parvo pedi calceos magnos circumdedit.—Ecquis est, inquit, tam stolidus,—qui patronum hunc egregium cum altero, quisquis est, nefario grammatista colludere non intelligat? etc.

Aristotle. Paul Cortesius, an apostolic secretary, was the first to endeavor to clothe the Catholic doctrinal system in an ancient Roman garb:<sup>10</sup> but by so doing he only furnished a proof, that servile imitation of the ancients might lead to insipidity as well as encourage a concealed infidelity.<sup>11</sup>

The study of antiquity assumed a very different attitude with regard to theology in Germany, as soon as it penetrated thither. It found its first reception in the schools of the Brethren of the Common Life.<sup>12</sup> As with them every thing was valued principally in proportion to its influence upon religion, so they recognized from the first the advantage of the new study to religious knowledge. This view, fully corresponding with the deep religious sense of the German people, continued to be maintained by most of the German humanists.<sup>13</sup> Following the example of the first of their

<sup>10</sup> Paulus Cortesius in Sententias. Qui in hoc opere eloquentiam cum theologia conjunxit. Romae, 1512, fol.

<sup>11</sup> Erasmus, Ep. ad Jo. Vergaram, 1527 (Opp. III., i. p. 1015), says with regard to this tendency: Praeterea fervet illic (Romae) Paganismus quorundam, quibus nihil placet nisi Ciceronianum: ac non Ciceronianum appellari multo probrosius esse ducunt quam appellari haeticum. Hos dictu mirum quam infensos habeam, quod non exprimam Ciceronem, quem haud scio an quisquam eorum exprimat. Ego certe nec affecto, et si affectarem tractans rem Christianam, ridiculus essem.

<sup>12</sup> Herm. Hamelmann (Superintendent at Oldenburg), Relatio Hist. quomodo hominibus Westphalis potissimum debeatur, quod lingua latina et politiores artes per Germaniam sint restitutae priori nitenti. Lemgov. 1580 (in his Opp. genealogico-historica. Lemgov. 1711. 4. p. 321) relates: cum Thomas a Kempis—suscepisset curam scholae Daventriensis, ecce in ea erant discipuli *Rodolphus Agricola, Mauritius Comes Spiegelbergicus, Rodolphus Langius, Antonius Liber Susatensis, Ludovicus Dringenbergius Paderbornensis, Alexander Hegius* et similes. Illos praeceptor, postquam audiret reforescere studia in Italia,—plerosque hortatur ut se in Italiam reciperent, imo fuit suasor ditioribus tribus, ut Comiti Mauritio et utrique Rodolpho. These persons, then, were the first to introduce from Italy into Germany the humanist culture. Undoubtedly the place assigned to Thomas a Kempis in this statement is entirely untrue (Delprat over de Broederschap van G. Groote, p. 280), however the general import of this tradition is unquestionably true. Compare Meiners, Bd. 2, s. 308 ff.

<sup>13</sup> This partly appears from the reproaches which Trithemius, De Laudibus S. Annae, c. 8, utters against them: Commoneo vos, o viri eruditione et scientia literarum insignes, devotionem simplicium non spernere, cultum sanctissimae matris Annae quasi novum reprehendere, sed potius pro posse imitari.—Sunt namque inter vos, quod pace bonorum dixerim, qui typho superbiae inflati omnia devotionis simplicium exercitia despiciunt, Sanctorum miracula et exempla velut deliramenta contemnunt, nihilque sanctum admittendum existimant, quod Philosophorum argumentis non probant, revelationes omnes a Deo devotis hominibus ostensas mendacia vel somnia mulierum reputant, legendas Sanctorum fabulas appellant, et dum eruditionem suam temere praedicant, magna Dei opera impudenter oppugnant. Tractatus quoque sanctorum patrum et devotorum hominum, qui Tullianam prae se non ferunt eloquentiam, tanquam eruditione carentes abjiciunt, et caelestis eruditionis verba propter eruditionem simplicium contemnunt.—Rara est in eruditis devotio, quia, dum in profunditate suae conquisitae doctrinae confidunt, a simplici devotione longius recedunt.—Temeraria igitur ora obstruite, male disertas

number, Rudolph Agricola at Heidelberg, † 1485,<sup>14</sup> they did not allow themselves, like the Italians, to be led away into indifference by their closer insight into the corruptions of the Church: but faithful and fearless they gave utterance to their improved knowledge, in order to introduce the required reform. The art of printing, discovered at Mayence in the year 1440,<sup>15</sup> rendered efficient assistance to the new cultivation of literature in general, and particularly to the interchange of thoughts on this subject. Thus, John Reuchlin, from 1502 judge of the Swabian league, 1520 Professor at Ingolstadt, † 1521,<sup>16</sup> though blinded in many respects by his Neoplatonism,<sup>17</sup> draws attention to the lack of Scriptural knowledge in his time, and the means of amendment,<sup>18</sup> and cen-

linguas cohibete, et nolite contra Dominum loqui mendacium, devotionem nolite lacere simplicium, ne vobis grave reputetur in scandalum.

<sup>14</sup> Jo. Saxo Holsat. Orat. de Vita Rud. Agricola (in Melancthonis Declam., t. i. p. 602) contributes from the epistolary notices of Goswin of Hales, a former amanuensis of John Wessel (see § 153, note 17), much about the confidential intercourse of this man with Rudolph Agricola: e. g. Goswin relates, se familiaribus item et apertis eorum sermonibus saepius interfuisse, in quibus deplorarent Ecclesiae tenebras, reprehenderent profanationem in Missis, et coelibatum: etiam de justitia fidei disputarent, quid sit, quod Paulus toties inculcat, homines fide justos esse, non operibus; illos aperte rejicere Monachorum opinionem, quae contrarium fingeret; item sensit de humanis traditionibus, errare eos, qui affingunt illis opinionem cultus, et non posse violari judicant.

<sup>15</sup> See especially C. A. Schaab's *Gesch. der Erfindung der Buchdruckerkunst* durch Joh. Gensfleisch gen. Gutenberg zu Mainz, pragmatisch aus den Quellen gearbeitet. 3 Bde. Mainz, 1830-31. 8.

<sup>16</sup> Ph. Melancthonis Oratio continens historiam Jo. Capnionis Phorcensis (in ej. D. clamat. t. iiii.). Vita Jo. Reuchlini descripta a J. H. Majo. Francof. et Spira, 1687. s. E. J. Schnurrer's *Nachrichten von ehemal. Lehrern der hebr. Literatur in Tübingen*. Ulm, 1792. 8. s. 6 ff. Meiners Bd. 1, s. 44 ff. Erhard, Bd. 2, s. 147 ff. Jo. Reuchlin u. s. Zeit von D. E. Th. Mayerhoff. Berlin, 1830. 8 (comp. Förstemann's review in the *Berliner Jahrb. f. wissenschaftl. Kritik*, 1832, Juni, s. 923 ff.). [Joh. Reuchlin, eine biog. Skizze, v. Dr. Lamey. Pforzheim, 1855. Barham, R's., *Life and Times*. Lond.]

<sup>17</sup> Compare his works, *De Verbo Mirifico* and *De Arte Cabbalistica*; see Erhard, Bd. 2, s. 242 ff. Mayerhoff, s. 96 ff.

<sup>18</sup> In particular, by his work, *De Rudimentis Hebraicis*, libb. iiii., Phorcae, 1506, fol. (Lexicon and Grammar), he laid the basis of the study of the Hebrew language among Christians. On his departure from the received interpretations, he says, Praef. in lib. iiii. p. 548: At gravius insurgent, credo, invidi contra dictionarium nostrum, in quo multorum frequenter interpretationes taxantur. Proh scelus, exclamabunt, nihil indignius patrum memoria, nihil admissum crudelius, cum ille homo audacissimus tot et tam sanctos viros divino spiritu afflatus labefactare contendat. Hieronymi beatissimi scriptura Gelasio Papa teste recepta est in Ecclesia: venerabilis pater Nicolaus de Lyra ordinarius expositor Bibliae omnibus christifidelibus vir integerrimus probatur. Jamjam exortus est aliquis fulvus (Reuchlin), qui plurimis in locis illos imperite transtulisse notat. Quorum imminentibus clamoribus haec pauca respondeo, mihi licere quod eisdem illustrissimis luminibus licuit. Hieronymus, vir sanctus, LXX. carpit interpretes non semel, bis, terve, sed saepissime numero:—quos tamen Ptolemaeus Alexandriae Rex divina credidit virtute transtulisse.—Nicolaus item de Lyra divum Hieronymum in translatione sua ostendit reprehensibilem: ipsemet vero Nicolaus, ut aequalem mensuram

sures the defects in the style of preaching.<sup>19</sup> But above all men, Desiderius Erasmus (from 1516 at Basle, † 1536)<sup>20</sup> obtained a clear insight into the corruption of the constitution and doctrine of the Church, and knew how to disseminate his thoughts with unusual success among the already important circle of his educated contemporaries,<sup>21</sup> in works full of talent, and attractive from

*pateretur, simile a rev. Burgensi Episcopo frequentibus cum notis, invito etiam nescio quo fratre Doringo ferre coactus est. Sed quid pluribus erit opus? Ille idem divus Hieronymus in translatione sua seipsum errasse fatetur in commentariis super Isaiam, cap. xix.—Cur igitur in illis, quae ad interpretandi modum artemque grammaticam et ad veritatem idiomatis spectant, me quoque non deceret in lucem producere, quid cum doctissimis Hebraeorum sentirem, quippe ad quos etiam eodem Hieronymo teste confugiendum est, quoties in veteri Testamento controversia movetur. Quaquam enim Hieronymum sanctum veneror ut Angelum, et Lyram colo ut magistrum; tamen adoro veritatem ut Deum.*

<sup>19</sup> *Liber Congestorum de Arte praedicandi. Phorcae, 1504. 4.*

<sup>20</sup> *Compendium Vitae Erasmi, written by himself and sent to Conr. Goclenius, and Erasmi Vita, by Beatus Rhenanus, in the dedication of Erasmus's works to the Emperor Charles V., both at the beginning of Erasmi Opp., ed. Cleric., t. i., and in Bataei Vitae Selectorum Virorum, p. 187 ss.—Vie d'Erasmus par Burigny, 2 voll. à Paris, 1757. 8 (in German with corrections and additions by Henke. Halle, 1782. 2 Bde. 8). Erasmus v. Rotterdam nach s. Leben und Schriften von S. Hess. Zwei Hälften, Zürich, 1790. A. Müller's Leben des Erasmus v. Rotterdam. Hamburg, 1828. 8. Erhard, Bd. 2, s. 461 ff. Erasmi Opp. ed. B. Rhenanus. Basil 1540, ix. voll. fol. ed. (Jo. Clericus) Lugd. Bat. 1703 ss., xi. voll. fol. [Knight's Life of Erasmus. Cambr. 1726. Jortin's Life, 2 4. 1758-60. Charles Butler's. Lond. 1825. Erasmus, warum blieb E. Katholik? Eberhardi, in Zeitschrift f. d. Hist. Theol., 1839, s. 99-151. Erasmus und Luther, von Dr. W. Chlebus, Zeitschrift f. d. Hist. Theol., 1845, s. 3-82. The Eclectic, Lond. 1854, on Life of Erasmus. Christian Examiner, vol. 49. Life of Erasmus by C. T. Brooks. Nisard, Etudes sur la Renaissance, 8. Par. 1855.]*

<sup>21</sup> The Colloquia Familiaria belong to the period after the commencement of the reformation, and to the state of mind of Erasmus as influenced thereby. He states himself the aim of the Enchiridion, Ep. ad Jo. Coletum (Opp. III., i. p. 96): *Enchiridion non ad ostentationem ingenii aut eloquentiae conscripsi, verum ad hoc solum, ut mederer errori vulgo religionem constituentium in ceremoniis, et observationibus pene plusquam Judaicis rerum corporalium; ea quae ad pietatem pertinent mire negligentium. How he effected his purpose may appear from the following example. The fourth canon for the Christian life which he laid down in his Enchiridion is (Opp. t. v. p. 25): Ut totius vitae tuae Christum velut unicum scopum praefigas, ad quem unum omnia studia, omnes conatus, omne otium ac negotium conferas. Christum vero esse puta non vocem inanem, sed nihil aliud, quam caritatem, simplicitatem, patientiam, puritatem, breviter quidquid ille docuit. Diabolum nihil aliud intellige, quam quidquid ab illis avocet. Thereupon he says, among other things: Sunt qui certos Divos certis quibusdam colunt ceremoniis. Alius Christophorum singulis salutatur diebus, sed non nisi conspecta ejus imagine: quo tandem spectans? Nempe huc, quod sibi persuaserit, sese eo die a mala morte tutum fore. Alius Rochum quendam adoratur: sed cur? Quod illum credat pestem a corpore depellere. Alius Barbarae, aut Georgio certas preculas admurmurat, ne in manus hostium veniat. Hic jejunit Apolloniae, ne doleant dentes. Ille visit divi Job simulacra, ut scabie careat. Nonnulli de lucro certam portionem pauperibus nuncupant, ne merces naufragio interdicant. Hieroni cereolus accenditur, ut res quae perit recipiatur. In summa, ad hunc modum, quot res sunt quas vel timemus vel cupimus, totidem iis Divos praefecimus, qui et ipsi diversis nationibus diversi sunt, ut id apud Gallos valeat Paulus, quod apud nostrates Hieron, neque passim id valeat Jacobus aut Joannes, quod illo*



the beauty of their style, such as the *Enchiridion Militis Christiani* (1503), and *Moriae Encomium* (1508). At the same time,

atque illo loco. Quae quidem pietas, nisi a respectu commodorum atque incommodorum corporalium ad Christum referatur, a Deo Christiana non est, ut non ita multum absit a superstitione eorum, qui quondam Herculi decimam honorum partem vovebant, ut discescerent, aut Aesculapio gallum, ut a morbo revalerent, aut qui Neptuno taurum caedebant, ut feliciter navigarent. Nomina quidem commutata sunt, sed finis utrisque communis. In the *Encomium Moriae*, Folly says, e. g. (Opp. t. iv. p. 443): Illud hominum genus haud dubie totum est nostrae farinae, qui miraculis ac prodigiis gaudent mendaciis, vel audiendis vel narrandis.—Atque haec quidem non modo ad levandum horarum taedium mire conducunt, verum etiam ad quaestum pertinent, praecipue Sacrificis et Concionatoribus. His rursus adfines sunt ii, qui sibi stultam quidem, sed tamen jucundam persuasionem induerunt, futurum, ut, si ligneum aut pictum aliquem Polphemum Christophorum aspexerint, eo die non sint perituri.—Nam quid dicam de iis, qui sibi fictis scelerum condonationibus suavissime blandiuntur, ac Purgatorii spatia veluti clepsydri metiuntur, saecula, annos, menses, dies, horas tanquam e tabula mathematica citra ullum errorem dimetientes. Aut de iis, qui magicis quibusdam notulis ac preculis, quas pius aliquis impostor, vel animi causa, vel ad quaestum excogitavit, freti nihil sibi non pollicentur, opes, honores, voluptates,—denique proximum Christo apud Superos concessum, quem tamen nolint nisi admodum sero contingere, h. e. cum hujus vitae voluptates invitos eos ac mordicus retinentes tamen deseruerint, tum succedant illae Coclitum deliciae. Hic mihi puta negotiator aliquis, aut miles, aut iudex abjecto ex tot rapinis unico nummulo vitae Lernam semel expurgatam putat, totque perjuriam, tot libidines, tot ebrietates, tot rixas, tot caedes, tot imposturas, tot perfidias, tot proditones existimat velut ex pacto redimi, et ita redimi, ut jam liceat ad novum scelerrum orbem de integro reverti. Quid autem stultius iis, imo quid felicius, qui septem illis sacrorum Psalmorum versiculis quotidie recitatis plus quam summam felicitatem sibi promittunt? Atque hos magicos versiculos Daemon quispiam, facetus quidem ille, sed futilis magis quam callidus, divo Bernardo creditur indicasse, sed arte circumventus miser. Et haec tam stulta, ut me ipsam propemodum pudeat, tamen approbantur, idque non a vulgo modo, verum etiam a religionis professoribus. Quid jam, nonne eodem fere pertinet, cum singulae regiones suum aliquem peculiarem vindicant Divum, cumque in singulos singula quaedam partiuntur, singulis suos quosdam culturae ritus attribuant, ut hic in dentium cruciatu succurrat, ille parturientibus dexter adsit, alius rem furto sublatam restituat, hic in naufragio prosper adfulgeat, ille gregem tueatur: atque item de caeteris. Nam omnia percensere longissimum fuerit. Sunt qui singuli pluribus in rebus valeant, praecipue Deipara Virgo, cui vulgus hominum plus prope tribuit, quam Filio. Verum ab his Divis quid tandem petunt homines nisi quod ad stultitiam attinet? Agedum inter tot anathemata, quibus templorum quorundam parietes omnes, ac testudinem ipsam referant conspicitis, vidistisne unquam qui stultitiam effugerit, qui vel pilo sit factus sapientior? Alius enatavit incolumis. Alius ab hoste perfossus vixit.—Alius a marito deprehensus elusit. Nullus pro depulsa stultitia gratias egit. Adeo suavis quaedam res est nihil sapere, ut omnia potius deprecentur mortales, quam Moriam. Sed quid ego hoc superstitionum pelagus ingredior?—Usque adeo omnis omnium Christianorum vita istiusmodi delirationibus undique scattet: quas ipsas tamen Sacrifici non gravatim et admittunt et alunt, non ignari, quantum hinc lucelli soleat accrescere. Inter haec, si quis odiosus sapiens exoriatur, succinatque id, quod res est, non male peribis, si bene vixeris; peccata redimes, si nummulo addideris odium malefactorum, tum lacrymas, vigiliis, precationes, jejunia, ac totam vitae rationem commutaris; Divus hic tibi favebit, si vitam illius aemulaberis: haec, inquam, atque id genus alia, si sapiens illo obganniat, vide a quanta felicitate repente mortalium animos, in quem tumultum retraxerit? P. 450: Sic sculptus est hominis animus, ut longe magis fucia, quam veris capiatur.—Si quis sit Divus fabulosior et poeticus, quod si exemplum requiris, finge hujus generis Georgium, aut Christophorum, aut Barbaram; videbitis hunc longe reli-

in his theological works, he endeavored to furnish the basis and

glosius coli, quam Petrum, aut Paulum, aut ipsum etiam Christum. P. 463: Porro Theologos silentio transire fortasse praestiterit, καὶ ταύτην καμαρίαν οὐ κινεῖν, nec hanc anagyrim tangere, utpote genus hominum mire superciliosum atque irritabile, ne forte turmatim sexcentis conclusionibus adoriantur, et ad palinodiam adigant, quod si recusem, protinus *haereticam* clamitent. Nam illico solent hoc terrere fulmine, si cui sunt parum propitii. Sane quamquam non alii sunt, qui minus libenter agnoscant meam in se beneficentiam, tamen hi quoque non mediocribus nominibus obstricti sunt, dum felices sua philautia, perinde quasi ipsi tertium incolant coelum, ita reliquos mortales omnes ut humi reptantes pecudes e sublimi despiciunt, ac prope commiserantur, dum tanto magistralium definitionum, conclusionum, corollariorum, propositionum explicitarum et implicitarum agmine septi sunt, tot exuberant κρησφυγέτοις, ut nec Vulcaniis vinculis sic possint irretiri, quin elabantur distinctionibus, quibus nodos omnes adeo facile secant, ut non Tenedia bipennis melius: tot nuper excogitatis vocabulis, ac prodigiosis vocibus scatent.—In quibus omnibus tantum est eruditionis, tantum difficultatis, ut existimem ipsis Apostolis alio spiritu opus fore, si cogantur hisce de rebus cum hoc novo Theologorum genere conserere manus. Paulus fidem praestare potuit: at idem cum ait: *fides est substantia rerum sperandarum, argumentum non apparentium*, parum magistraliter definiuit. Idem ut caritatem optime praestitit, ita parum dialectice vel dividit, vel finit in priore ad Cor. epistola c. xiii. etc. With regard to the unprofitable questions of the schoolmen, compare his Annot. in 1 Tim. i. 6, above, § 144, note 7. P. 481: Principum quidem institutum summi Pontifices, Cardinales, et Episcopi jam pridem gnauiter aemulantur, ac prope superant. Porro si quis perpendat, quid linea vestis admoneat, niveo candore insignia, nempe vitam undiquaque inculpatam; quid sibi velit mitra bicornis,—puta Novi pariter et Veteris Instrumenti absolutam scientiam; —haec, inquam, atque id genus multa si quis perpendat, nonne tristem ac sollicitam vitam egerit? At nunc belle faciunt, cum sese pascunt, caeterum ovium curam aut ipsi Christo mandant, aut in Fratres, quos vocant, ac vicarios rejiciunt. Neque vel nominis sui recordantur, quid sonet Episcopi vocabulum, nempe laborem, curam, sollicitudinem. Verum in irretiendis pecuniis plane Episcopus agunt, οὐδ' ἀλαοσκοπή.—Jam summi Pontifices, qui Christi vices gerunt, si conentur ejusdem vitam aemulari, nempe paupertatem, labores, doctrinam, crucem, vitae contemptum, si vel Papae i.e. patris nomen, vel Sanctissimi cognomen cogitent: quid erit in terris afflictius? aut quis eum locum omnibus emat facultatibus; emptum gladio, veneno omnique vi tueatur? Quantum his abstulerit commoditatum, si semel incesserit sapientia? Sapientia dixi? imo vel mica salis illius, cujus meminit Christus.—At nunc fere, si quid laboris est, id Petro et Paulo relinquitur, quibus abunde satis est otii. Porro si quid splendoris aut voluptatis, id sibi sumunt. Atque ita fit mea quidem opera, ut nullum paene hominum genus vivat mollius, minusque sollicitum, ut qui abunde Christo satisfactum existiment, si mystico ac paene scenico ornatu, cerimoniis, Beatitudinum, Reverentiarum, Sanctitatum titulis, et benedictionibus ac maledictionibus Episcopus agant. Priscum et obsoletum, nec horum omnino temporum, miracula edere: docere populum, laboriosum: sacras interpretari litteras, scholasticum: orare, otiosum: lacrymas fundere, miserum ac muliebre: egere, sordidum: vinci, turpe parumque dignum eo, qui vix Reges etiam summos ad pedum beatorum admittit oecula: denique mori, inamabile: tolli in crucem, infame. Restant sola haec arma ac benedictiones dulces, quarum meminit Paulus (Rom. xvi. 18), atque harum quidem sunt sane quam benigni, interdictiones, suspensiones, aggravationes, anathematizationes, ultrices picturae, ac fulmen illud terrificum, quo solo nutu mortalium animas vel ultra tartara mitunt. Quod ipsum tamen sanctissimi in Christo patres, et Christi vicarii in nullos torquent acrius, quam in eos, qui instigante Diabolo patrimonis Petri minuere atque arrodere conantur. Cujus cum haec vox sit in Evangelio: *reliquimus omnia, et sequuti sumus te*, tamen hujus patrimonium appellant agros, oppida, vectigalia, portitoria, ditiones. Pro quibus dum zelo Christi accensi, ferro ignique dimicant, non absque plurimo Christiani sanguinis dispendio, tum demum Ecclesiam Christi sponsum sese credunt apostolice defendere, fortiter profligatis, ut vocant, hostibus. Quasi

direction for an inward purification of the Church.<sup>22</sup> His friend!

vero ulli sint hostes Ecclesiae perniciosiores, quam impii Pontifices, qui et silentio Christum sinunt abolescere, et quaestuariis legibus alligant, et coactis interpretationibus adlterant, et pestilente vita jugulant. P. 485: Jam vero vulgus Sacerdotum, nefas esse ducens, a Praesulum suorum sanctimonia degenerare, euge, quam militariter pro jure decimarum ensibus, jaculis, saxis, omnique armorum vi belligerantur: quam hic occulti, si quid ex veterum litteris possint elicere, quo plebeculam territent, et plus quam decimas deberi convincant. At interim non venit in mentem, quam multa passim legatur de officio, quod illi vicissim praestare populo debeant. Nec saltem admonet eos vertex rarus, Sacerdotem omnibus hujus mundi cupiditatibus liberum esse oportere, neque quidquam nisi coelestia meditari. Sed homines suaves se suo officio probe perfunctos ajunt, si preculas illas suas utcumque permurmuravit, quas me Hercule miror si quis Deus vel audiat, vel intelligat, cum ipsi fere nec audiant, nec intelligant, tum cum e. s. ore perstreput.

<sup>22</sup> To this number belong, besides his works upon the New Testament, his editions of Cyprian and Jerome, and his translations from the works of Origen, Athanasius, and Chrysostom; especially also the *Ratio verae theologiae, Ecclesiastes s. de ratione conditionandi*, and commentaries on many of the Psalms, collected in his works, ed. Clerici T. v. We may first take his excellent remarks on the development of dogmas and institutions in the Christian Church, as an indication of the degree of his theological perception, Annot. ad Matth. xi. 30, *jugum meum suave*: Quemadmodum apud Judaeos legem per se molestam aggravabant hominum constitutiones, ita cavendum est etiam utque etiam, ne Christi legem, per se blandam ac levem, gravem et asperam reddant humanarum constitutionum ac dogmatum accessiones. Quae sic primum obrepunt, ut vel tanquam pusilla negligantur, vel pietatis specie commendata libenter amplectantur etiam homines prohi magis quam providi. Semel recepta paulatim gliscunt augescuntque, donec in immensum aucta jam nolentes premant et obruant, seu consuetudinis, cujus violenta tyrannis est, praesidio, seu Principum auctoritate, quod temere receptum est in suum emolumentum abutentium, mordicusque retinentium. Quam pura, quam simplex fides a Christo nobis tradita, quam huic simile symbolum, sive ab Apostolis ipsis, sive a viris apostolicis proditum! Huic deinde multum adjunxit Ecclesia, dissidiis Haereticorum dissecta vexataque: quorum etsi quaedam sunt, quae citra fidei dispendium poterant omitti, tamen pleraque videbantur etiamnum ad rem pertinere. Tot jam erant symbola, quot homines, nihilo melius bonae fidei signum, quam cum in contractibus res multis ac verbosis syngraphis agitur, quae cum ad excludendas captiones adhibeantur, quo circumspectius scriptae sunt, hoc plus captionum solent fere gignere. Postremo res eo paulatim deducta est, ut Scholasticorum aliquot placita, quos articulos vocant, aut homunculorum quorundam nova quaedam ad fastum comminiscientium vel opinionum, vel somnia propemodum aequentur articulis fidei apostolicae. Atque in his nec scholae diversae, nec ejusdem scholae mystae inter se consentiunt: neque apud ipsos perpetua sunt, sed pro tempore mutantur. Et tamen ita primum irrepserunt, ut in scholis tantum haberentur probabiles opiniones. Mox scholae parietes egressae in libros, et in publicas adeo conciones eruperunt. Ac saepe numero fit, ut quod semel utcumque prodidit definiendi temeritas, confirmet et augeat tuendi pertinacia. Sunt autem pleraque hujus generis, ut impium sit homini de his definire. Qualia fere sunt, quae de ratione essentiae divinae, deque distinctione Personarum philosophamur.—His proxima sunt, quae de ratione mysteriorum, velut e coelo petita, pronunciamus: cum magis ad pietatem faciat ex his excerpere, quae ad vitae sanctimoniam conducant. Verum haec pronuntiandi temeritas a Veteribus orta nunc longius progressa est, quam ut ferri possit. Then he comes to the onus humanarum constitutionum, to the number of the superior clergy, qui religionis imagine personati, ventris agunt negotium, to the mass of church laws concerning clothing, fasts, festivals, vows, marriage, confession, which serve for the oppression of the people and the enrichment of the clergy. In templis vix vacat Evangelium interpretari. Conclonis bona pars ad Commissariorum (retailers of indulgences) arbitrium consumenda est. Nonnunquam et sacrosancta Christi doctrina

## Thomas More, supplied no less important glimpses of the improve-

aut supprimenda, aut ad illorum rem detorquenda. Ad haec qui modeste pii sunt, taciti secum ingemiscunt. Qui populi malis aluntur, et quorum interest Christi gregem—quam maxime servum esse et obnoxium, adeo non reclamant, ut modis omnibus exaggerent. Accedunt iis, qui vel ambiunt praemium aliquod obsequii, vel timent poenam libertatis. Ita dum nemo succurrit, res paulatim eo prolabitur, ut pene nihil jam pudeat.—Nec ulla superest medendi spes, nisi si Christus ipse veritatē, aut certe excitet Pontificum ac Principum animos ad ea quae verae sunt pietatis: aut Theologi et Concionatores, non seditiosis clamoribus, sed sobrie placideque quae Christo digna sunt, magno consensu doceant et inculcent.—Tumultus ubique vitandus: et praestat ferre Principes impios, quam novatis rebus gravius malum accersere (on this principle Erasmus afterward passed judgment upon the reformation of Luther). Ann. ad 1 Cor. vii. 39, he inquires: an liceat ut matrimonia quaedam dirimantur, non temere, sed gravibus de causis, neque per quoslibet, sed per Ecclesiae praefectos, aut iudices legitimos, et ita dirimantur, ut liberum sit utrique cui velit jungi, aut alteri certe, qui divortio non dedit causam. Scio quaedam esse ejus generis, ut nefas sit ceu dubia vocare in disputationem.—Quaedam ita recepta sunt auctoritate Ecclesiae, ut pro re nata possint mutari. He supports this last statement with the following examples, while seeking to prove the lawfulness of divorce from the practice of Christian antiquity, and from Holy Writ: In Actis Apostolorum solenni celebrique Concilio decretum ac promulgatum est, ut qui ex Paganismo cooptarentur in Christianos, abstinerent ab idolothytis, a suffocato animante, a sanguine, et a stupro.—Et tamen quod ibi decretum est, adeo est antiquatum, ut nunc judaizare crederetur, qui abhorreret a gallina suffocata, aut fartis sanguine distentis.—Paulus vetat Episcopum fieri qui neophytus sit, aut percussor, aut vinolentus. At hodie Romanus Pontifex vel heri baptizatum, vel piratam publicum admittit ad honorem episcopalem, si videatur, nihil deterritus Paulina constitutione. In synaxi transsubstantiationem sero definiit Ecclesia: diu satis erat credere, sive sub pane consecrato, sive quocumque modo adesse verum corpus Christi: ubi rem proprius contemplata est, ubi exactius expendit, certius praescripsit. Non erant haeretici, qui olim credidissent Spiritum Sanctum a Patre duntaxat procedere, et haud scio, an maxima pars Christianorum primitus ita crediderit: expensa re definiit Ecclesia, quod hodie sequimur. Idem videtur accidisse in conceptione b. Virginis, si tamen hoc Ecclesia sic definiit, ut haereticus sit habendus qui dubitet.—Nemo priscorum audebat clare pronuntiare, Spiritum Sanctum esse Patri Filioque homousion ne tum quidem, quum quaestio de Filio tanta contentione per universum orbem agigaretur.—Nunc audemus profiteri. Afterward also he discusses whether marriage is a sacrament? Jam vero quod de sacramento afferunt, cujusmodi sit, videamus, per quod volunt omne matrimonium semel contractum esse indissolubile. Neque enim hic Augustinus, qui tria bona ponit in matrimonio, quum tertium sacramentum vocat, sentit unum e septem sacramentis: quod ipsum subnotare videtur Petrus Lombardus Dist. xxxi. imo haud scio, an hoc sacramentum septimum veteribus fuerit cognitum. Primum quod Dionysius enumerans nominatim singula, et singulorum vires, ritus ac ceremonias explicans, de conjugio nullam facit mentionem.—Deinde quum tot voluminibus tractatum sit de matrimonio vel a Graecis vel a Latinis, nullus est locus unde liqueat, illos conjugium inter septem sacramenta commemorare.—Verum cur haec recenseo, quum Durandus (see above, § 116, note 1) fateatur, matrimonium a recentioribus Theologis denique numerari coeptum inter ea, quae proprie dicuntur Ecclesiae sacramenta? Porro quod Paulum sequuti veteres matrimonium aliquoties vocant sacramentum, id sentiunt, opinor, in copula viri et uxoris, quoniam est arctissima amicitia, repraesentari typum quendam et imaginem Christi, sponsam Ecclesiam sibi copulantis. On the general services of Erasmus, see the letter of John Turzo, bishop of Breslau, to Erasmus, dd. 1st December, 1519 (Erasmii Opp. III., i. p. 522): At tu quomodo tibi non injurius videri possis, qui laudes, quibus te universus propemodum orbis verissime prosequitur,—averseris? Debentur profecto tibi longe majora, praesertim cum tui unius patrocinio omnium honestissimarum disciplinarum nitor, multo jam barbarie situ et squalore obtenebratus, resplendescat, tum sinceræ quoque illius theo-

ments to be desired in the Church, in his Utopia (1516).<sup>23</sup> It

logiae puritas, et sanctissima studia prope ad interitum redacta, te parente, te duce veluti renata toto orbe reforescant.

<sup>23</sup> Thomas Morus, aus den Quellen bearbeitet von D. G. Th. Rudhart. Nürnberg, 1829. 8. [Cf. Walter, Sir Thos. More. Lond., 1830. Sir James Mackintosh, Life of More. Edinb. Rev., xiv.; Westminster, xi.; Foreign Review, v.; North American, viii.] De optimo Reipublicae Statu deque nova insula Utopia. In the description of this ideal state there is a section, De Religionibus Utopiensium, lib. 11 (ed. Glasguae, 1750. 8. p. 227): Religiones sunt non per insulam modo, verum singulas etiam urbes variae, aliis solem, lunam aliis, aliis aliud errantium siderum Dei vice venerantibus. Sunt, quibus homo quispiam, cujus olim aut virtus aut gloria enituit, non pro Deo tantum, sed pro summo etiam Deo suspicitur. At multo maxima pars, eademque longe prudentior nihil horum, sed unum quoddam numen putant, incognitum, aeternum, immensum,—per mundum hunc universum virtute, non mole, diffusum: hunc parentem vocant, origines, actus, progressus, vices, finesque rerum omnium huic acceptos uni referunt, nec divinos honores alii praeterea ulli applicant. Quin caeteris quoque omnibus, quanquam diversa credentibus, hoc tamen cum istis convenit, quod esse quidem unum censent summum, cui et universitatis opificium et providentia debeat, eumque communiter omnes patria lingua Mithram appellant.—Caeterum paulatim omnes ab ea superstitionum varietate desiscunt, atque in unam illam coalescunt religionem, quae reliquas ratione videtur attecillere.—At posteaquam acceperunt a nobis Christi nomen, doctrinam, mores, miracula,—non credas quam pronis in eam sectam affectibus etiam ipsi concesserint.—Haud pauci nostram in religionem coierunt, lymphaque sacra sunt abluti. Verum quoniam in nobis—nemo—sacerdos erat, caeteris initiati ea tamen sacramenta desiderant, quae apud nos non nisi sacerdotes conferunt: intelligunt tamen optantque ita ut nihil vehementius. Quin hoc quoque sedulo jam inter se disputant, an sine christiani Pontificis misu quisquam e suo numero delectus sacerdotii consequatur characterem: et electuri sane videbantur, verum quum ego discederam, nondum elegerant. Quin hi quoque, religioni christianaee qui non assentiunt, neminem tamen absterrent, nullum oppugnant imbutum, nisi quod unus e nostro coetu me praesente coërcitus est. Is quum recessu ablutus, nobis contra suadentibus, de Christi cultu publice majore studio quam prudentia dissereret, usque adeo coepit incallescere, ut jam non nostra modo sacra caeteris asteteret, sed reliqua protinus universa damnaret, profana ipsa, cultores impios ac sacrilegos, aeterno plectendos igni vociferaretur. Talia diu concionantem comprehendunt, ac rem non sprete religionis, sed excitati in populo tumultus, agunt, peraguntque, damnatum exilio multant. Siquidem hoc inter antiquissima instituta numerant, nequa cuiquam religio fraudi sit. Utopus enim jam inde ab initio—in primis sanxit, uti, quam cuique religionem libeat sequi liceat; ut vero alios quoque in suam traducat, hactenus niti possit, uti placide ac modeste suam rationibus adstruat, non ut acerbe caeteras destruat.—Haec Utopus instituit non respectu pacis modo,—sed quod arbitratus est, uti sic decerneretur, ipsius etiam religionis interesse, de qua nihil est ausus temere definire, velut incertum habens, an varium ac multiplicem expetens cultum Deus aliud inspiret illi. Certe vi ac minis exigere, ut quod tu verum credis idem omnibus videatur, hoc vero et insolens et ineptum censuit. Tum si maxime una vera sit, caeterae omnes vanae, facile tamen praevидit (modo cum ratione ac modestia res agatur) futurum denique, ut ipsa per se veri vis emergat aliquando atque emineat: sin armis et tumultu certetur, ut sunt pessimi quique maxime perversae, optimam et sanctissimam religionem ob vanissimas inter se superstitiones, ut segetes inter spinas ac frutices, obrutum iri. Itaque hanc totam rem in medio posuit, et quid credendum putaret, liberum cuique reliquit: nisi quod sancte aut severe vetuit, ne quis usque adeo ab humanae naturae dignitate degeneret, ut animas quoque interire cum corpore, aut mundum temere ferri sublata providentia putet. Atque ideo post hanc vitam supplicia vitis decreta, virtuti praemia constituta credunt: contra sentientem ne in hominum quidem ducant numero, ut qui sublimem animae suae naturam ad peculni corpusculi vilitatem dejecerit: tantum abest, ut inter cives ponant, quorum instituta moresque (si per metum liceat) omnes

was not to be wondered at that the schoolmen, as the guardians

floccifactor sit.—Quamobrem sic animato nullus communicatur honos, nullus magistratus committitur, nulli publico muneri praeficitur:—caeterum nullo afficiunt supplicio, quod persuasum habeant, nulli hoc in manu esse ut quicquid libet sentiat.—Verum, ne pro sua disputet sententia, prohibent, atque id duntaxat apud vulgus: nam aliquin apud sacerdotes gravesque viros seorsum non sinunt modo, sed hortantur quoque, confisi fore, ut ea tandem vesania rationi cedat.—Gratum Deo cultum putant naturae contemplationem, laudemque ab ea. Sunt tamen, hique haud sane pauci, qui religione ducti literas negligunt, nulli rerum cognitioni student, neque otio prorsus ulli vacant, negotiis tantum bonisque caeteris officiis statuunt futuram post fata felicitatem promereri. Itaque alii aegrotis inserviunt, alii vias reficiunt,—nec in publicum modo, sed privatim quoque ministros ac plus quam servos agunt: nam quicquid usquam operis est asperum, difficile, sordidum,—hoc illi sibi totum libentes hilaresque desumunt; caeteris otium procurant, ipsi perpetuo in opere ac labore versantur: nec imputant tamen, nec aliorum sugillant vitam, nec suam efferunt. Hi quo magis sese servos exhibent, eo majore apud omnes in honore sunt. Eorum tamen haereses duae sunt: altera coelibum, qui non Venere modo in totum abstinere, sed carniū esu quoque;—altera laboris haud minus appetens, conjugium praefert, ut cujus nec aspernantur solatium, et opus naturae debere se et patriae liberos putant. Nullam voluptatem refugiunt, quae nihil eos ab labore demoretur; carnes quadrupedum vel eo nomine diligunt, quod tali cibo se validiores ad opus quodque censeant. Hos Utopiani prudentiores, at illos sanctiores reputant: quos, quod coelibatum anteferunt matrimonio, asperamque vitam placidae anteponunt, si rationibus niterentur, irriderent, nunc vero, quum se fateantur religione duci, suspiciunt ac reverentur.—Sua lingua Buthrescas (i.e. *βουθησκαος*) vocant, quod verbum latine Religiosos licet interpretari. Sacerdotes habent eximia sanctitate, eoque admodum paucos.—Unus reliquis praeficitur. Eliguntur a populo, idque caeterorum ritu magistratum, occultis, ad studia vitanda, suffragiis: electi a suo collegio consecrantur. Hi rebus divinis praesunt, religiones curant, ac morum veluti censores sunt.—Caeterum ut hortari atque admonere illorum est, ita coercere atque in facinorosos animadvertere Principis atque aliorum est magistratum, nisi quod sacris interdicit quos improbe malos comperiunt. Nec ullum fere supplicium est quod horreant magis: nam et summa percelluntur infamia, et occulto religionis metu lacerantur, ne corporibus quidem diu futuris in tuto: quippe ni properam poenitentiam sacerdotibus approbent, comprehensi impietatis poenam senatui persolvunt. Pueritia juventusque ab illis eruditur, nec prior litterarum cura, quam morum ac virtutis habetur.—Sacerdotibus (ni foeminae sint: nam neque ille sexus excluditur, sed rarius, et non nisi vidua natuque grandis eligitur) uxores sunt popularium selectissimae. Neque enim ulli apud Utopienses magistratui major habetur honos; usque adeo, ut, si quid etiam flagitii admiserint, nulli publico iudicio subsint. Deo tantum ac sibi relinquuntur.—Religio quoniam non est ibi apud omnes eadem, et universae tamen ejus formae, quanquam variae ac multiplices, in divinae naturae cultum, velut in unum finem diversa via commigrant; ideoque nihil in templis visitur auditurque, quod non quadrare ad cunctas in commune videatur. Si quod proprium sit cujusquam sectae sacrum, id intra domesticos quisque parietes curat. Publica tali peragunt ordine, qui nulli prorsus ex privatis derogat: itaque nulla Deorum effigies in templo conspicitur, quo liberum cuique sit, qua forma Deum velit e sua religione concipere: nullum peculiare Dei nomen invocant, sed Mithrae duntaxat, quo vocabulo cuncti in unam divinae majestatis naturam, quaecunque sit illa, conspirant: nullae concipiuntur preces, quas non pronuntiare quivis inoffensa sua secta possit. All this can not be the merry pleasantry of a cheerful spirit, as Rudhardt thinks, s. 156. The Utopians were not supposed to be perfect men, but their institutions, according to the author's intention, were to be as excellent as is possible among imperfect men. Those principles of the author which are earnestly meant can be easily recognized throughout the work, as also their application to the existing state of affairs. The Utopia concludes: facile confiteor permulta esse in Utopiensium republica, quae in nostris civitatibus optarim verius quam sperarim.

of the traditional state of the Church, should be distrustful and indignant about the humanists, from whom they had to endure so much ridicule and the Church so many complaints. This dislike had already manifested itself in various but usually awkward ways,<sup>24</sup> when Reuchlin's dispute with John Pfefferkorn and the

<sup>24</sup> Compare what Reuchlin says of his proceedings in Basle, 1478, in his *Dedicat. Libri de Acc. et Orth. ad Adrianum Card. (Vita Reuchlini descripta a. J. H. Majo, p. 161)*: *Extra ordinem utriusque generis auctores publice docui. Atque id primum studio, magis ut grammatici quam elegantes haberemur. Quid enim requireres amplius ab hominibus, qui annos jam supra trecentos aliud nihil moliebantur, quam ut barbari essent? Unde cum loquendi vitio amor etiam et voluptas quaedam balbutiendi insederat. Sed prospere cessit. Magnae rei non frustra admoliti manum sumus, tametsi strenue refragarentur initio istius generis magistri, quos hodie scilicet hostes patimur, quibus corruptissimo iudicio et admirabili *φιλανθρία* tumentibus nihil praeter faeces suas recte probatur. Jam usu res exsplendescebat, fiebatque, ut purius et scriberet et diceret juventus Germanica, idque me auspice. Deinde accessit Graecarum literarum studium, sine quibus nemo sat politus censeri potest. Hisce ad philosophiam revocabamur Aristotelicam, quae non nisi a Graecis hominibus proprie ac rite tradi solet. Huc aspirabant, si qui bonis ingeniis, non corrupta ista et perturbata disciplina infecti erant. Sensim pueriles scholarum nugae deserebantur. Ibi vero supercilia tollentes veterinosi Sophistae, mirum, ut ridiculi ajebant, literarum genus a nobis tractari, alienum a Romana pietate; Graecos schismaticos esse; interdictas eorum disciplinas contra Ecclesiae decreto nobis magistris prodi. Viden',—quid passus a Sophistis effecerim, ut respiceret Germania vel tandem? Sero enim Phryges sapiunt. Erasmus relates with reference to his edition of the New Testament, Ep. ad Capitonem, ann. 1516 (Opp. III. i. p. 188): *Nuper hic (Antverpiae) quidam apud plebem, in sacra scilicet concione, lachrymabili voce deploravit, actum esse de divinis literis ac theologis, qui hactenus fidem christianam suis humeris fulsissent, posteaquam extitissent, qui sacrosanctum Evangelium, atque adeo ipsam precationem dominicam emendarent: perinde quasi ego Matthaum aut Lucam reprehendam, ac non eos potius, quorum inscitia incuriave depravatum est, quod illi recte scripserunt. Something similar happened when he was engaged upon his edition of St. Jerome; see Epist. apologetica ad Mart. Dorpium (Opp. t. ix. v. d. Hardt, Hist. Reform. Liter. i., p. 22): *Cum opus esset institutum, et fama jam percrebuisset, accurrere quidam graves ut habentur viri, et insignes ut sibi videntur theologi, per omnia sacra typographum obtestantes, ne quid Graecitatis aut Hebraismi pateretur admisceri: ingens in eis literis esse periculum, nec quicquam esse fructus: ad solam curiositatem esse paratas. With regard to the reception of his edition of the New Testament, he says, Ep. ad Leonem X., ann. 1519 (l. c. p. 490): *Hanc mire consentientibus calculis approbant omnes, exceptis perpauca, quorum alii stupidiore sunt, quam ut possint rectis rationibus coargui, alii superbiore, quam ut velint meliora discere,—quidam ambitiosiores, quam ut sustineant videri nescisse quicquam antehac, sed omnes ejusmodi, ut non referat talium ambisse suffragium,—Metuebant tyrannidi suae, quidam etiam quaestui, si mundus respiceret. Quid sibi persuaserint nescio, certe rudibus et indoctis persuadere conantur, linguarum cognitionem, bonasque, quas vocant, literas adversari theologiae studio, cum nullis disciplinis ea magis vel ornatur, vel adjuvetur. Hi (ut sunt omnes Musis et Gratiis iratis nati) sine fine belligerantur adversus studia, sese nostris temporibus ad meliorem frugem erigentia. Summa vero victoriae spes in meris sycophantiis illis est sita. Si libris agant, nihil aliud quam suam traducunt stultitiam, simul atque inscitiam. Si rationibus conflictantur, nimirum superat manifesta veritas: tantum apud imperitam plebeculam stultasque mulierculas vociferantur, quibus imponere facillimum est, praesertim religionis praetextu, cujus simulandae miri sunt artifices. Praetextant horrenda nomina, haereses, antichristos: jactitant periclitari, nutareque religionem christianam, quam ipsi scilicet suis humeris sustinent, atque his tam odiosis admiscunt mer-****

Dominicans of Cologne upon the question whether all the writings of the Jews ought to be burned, had given the signal for a general partisan warfare between the humanists and schoolmen in Germany.<sup>25</sup> James of Hochstraten, prior of the Dominicans at

tionem linguarum, ac politioris literaturae. Haec, inquit, horrenda dictu nascuntur ex poetica, nam hoc vocabulo traducunt quicquid est elegantioris doctrinae, hoc est quicquid ipsi non didicerunt. Hujusmodi naenias non pudet etiam in sacris concionibus deblaterare, qui se praecones evangelicae doctrinae haberi postulant. Abutuntur et Romani Pontificis et Romanae sedis nomine, videlicet apud nullos, ut par est, non sacrosancto. His technis, his cuniculis adoriri parant efflorescentes optimas literas, ac puriorum illam theologiam, suos fontes respicientem. Nihil non tentatum est, nullum calumniae genus non excogitatum in eos, quorum opera vident haec studia gliscere: inter quos me quoque numerant, etc. John Butzbach, prior in the monastery of Laach, in 1509, gives a representation of how it fared with the more educated monks in the monasteries; see Gieseler's *Symbolae ad Hist. Monasterii Lacensis, ex codd. Bonnensibus depromptae*. Bonnæ, 1826. 4. p. 37 s. E. g. p. 38: Si quispiam auctorem aliquem legero coepit saecularem, si carmen vel simile aliquod edere tentaverit, quasi jam religionem abnegaverit, continuo exclamant: quid iste fantasticus fantisat? quid delirus hic insanit? Num et ipse vult esse poeta? Crimen est apud tales nunc legere poetam; carmen recitavisse, scelus; sacrilegium, novisse Mantuanum. Comp. Hottingeri *Analecta diss.* i. p. 5 ss. Hottinger's *Helvet. Kirchengesch.* Th. 3, s. 125, 285 f.

<sup>25</sup> On the history of this struggle, see v. d. Hardt, *Hist. Liter. Reformat.* p. ii. Vita Jo. Reuchlini descr. a J. H. Majo, p. 250 ss. *Meiner's Lebensbeschr. berühmter Manner*, Bd. 1, s. 97 ff. Erhard's *Gesch. des Wiederaufblühens wissenschaftl. Bildung*, Bd. 2, s. 292 ff. Mayerhoff's *Reuchlin*, s. 114 ff. John Pfefferkorn, converted from Judaism in 1506, a favorite protégé of the Dominicans at Cologne, after writing several invitations to the Jews to be converted, in a pamphlet of 1509, roused the people to demand from the authorities that the Jews should be hunted out of the country, all their books burned except Holy Scriptures, and their children educated in Christianity. With the help of the Dominicans he soon obtained an imperial mandate, according to which all the writings of the Jews against Christianity were to be destroyed. Then the Emperor commissioned the Elector of Mayence, in 1510, to collect opinions from several men acquainted with the subject, especially from Reuchlin, whether all the Jewish books except the Holy Scriptures ought to be annihilated (see the Emperor's letter in the *Augenspiegel*, v. d. Hardt, ii. p. 17). Reuchlin, in his *Opinion* (printed in the *Augenspiegel*, l. c. p. 20 ff.), decided that only the vituperative writings against Christianity deserved to be destroyed, but not the other works which the Jews possessed besides the Bible. Against this opinion Pfefferkorn, into whose hands it had fallen in some way now unknown, published a reproachful pamphlet called *Handspiegel*, 1511, to which Reuchlin immediately responded in a violent reply, called the *Augenspiegel* (printed l. c. p. 16 ss.). In this reply the Dominicans of Cologne, who had the lead of the theological faculty of the place, discovered heresies. Reuchlin first tried to appease them by letters (*Epistolae Reuchlini*, lib. ii. p. 115 ss., in *Majus*, p. 318 ss.); but instead of the suppression of his *Augenspiegel*, and the revocation of several of its assertions, which they required of him, he published an explanation of these assertions in German (*Ain klare Verstantnus in Tütsch uff Doctor Johansens Reuchlings Raths Schlag von den Juden Büchern, vormalz auch zu Latin im Augenspiegel ussgegangen* 1512). The Cologne party immediately issued in reply the work, *Articuli sive propositiones de judaico favore nimis suspectae, ex libello theutonico Domini Jo. Reuchlin, Legum Doctoris (cui Speculi ocularis titulus inscriptus est) extractae, cum annotationibus et improbationibus venerabilis ac zelosi viri, Magistri nostri Arnoldi de Tungeri, Artium et sacrae Theologiae Professoris profundissimi* (there are extracts from these in *Majus*, p. 845 ss.). Reuchlin answered them again with vehemence in his *Defensio contra Calumniatores suos Colonieneses, Tubingae, 1513* (printed in v. d. Hardt, ii. p. 53 ss.), addressed to the



Cologne, went to Mayence in the character of inquisitor to pass sentence upon Reuchlin (1513).<sup>26</sup> The decision of the Bishop of Spire, as papal commissary, was given indeed entirely in Reuchlin's favor (1514).<sup>27</sup> But the Dominicans appealed afresh, and summoned to their aid the whole of their unbounded influence at Rome.<sup>28</sup> Leo X. could no more venture to decide against these formidable supporters of his throne<sup>29</sup> than to abandon his favorites the humanists: thus no sentence at all was given.<sup>30</sup> The courage of the humanists increased so much the more. A flood of biting satires streamed forth against their spiritless antagonists; among which the *Epistolae Obscurorum Virorum* take the foremost place.<sup>31</sup> But the chivalrous Ulrich of Hutten,<sup>32</sup> in his in-

Emperor, at the same time he summoned his numerous friends and patrons to his assistance, and a numerous league of the humanists and their defenders was formed against the Cologne party; see Meiners, *ibid.* s. 143 ff. The latter, however, now commenced inquisitorial proceedings.

<sup>26</sup> With regard to this proceeding at Mayence, see Reuchlin's letter to Wimpheling *dd.* Stuttgart. d. S. Andreae 1513, first printed in Majus, p. 890 ss. The minutes are in v. d. Hardt, ii. p. 94 ss.

<sup>27</sup> The judgment is in v. d. Hardt, ii. p. 114.

<sup>28</sup> They sought to make a particular impression by the fact that they had induced the theological faculties of Paris, Mayence, Erfurt and Louvain to accede to the opinion of the faculty of Cologne against the Augenspiegel. Meiners, s. 187.

<sup>29</sup> That the Dominicans of Cologne were prepared for any extreme may be seen in Buschii Ep. ad Reuchlin. (in his *Epist.* lib. ii. p. 168 s.): Praeterea audent aperte jacitare perversissimi homines, nisi secundum se pronuntiatum fuerit in urbe, ab Ecclesia et summo ejus Pontifice se defecturos, et schisma novum suscitatos. Alii ad futurum Concilium provocatos se minantur. Alii dicunt, quicquid contra se statuerit Papa nullius momenti esse, neque pro Papa habendum eum, qui ab se suaque sententia dissentiat. Tam caeca, tam praecipua est arrogantia eorum, ut non pudeat etiam postulare obnoxium sibi summum Pontificem esse: se palam omnibus Ecclesiam esse dictitant, sine se in rebus fidei Papam nihil decernere nec posse, nec debere conclamant. Nihil hercle secius aut honorificentius de summo Pontifice loquuntur, quam de puero sub ferula adhuc vivente, cui nihil nisi ad paedagogi sui nutum integrum sit aut liberum loqui.

<sup>30</sup> See the minutes of the proceedings at Rome, in v. d. Hardt, ii. p. 117 ss.

<sup>31</sup> The first book appeared under the title: *Epistolae Obscurorum Virorum ad venerabilem virum Magistrum Ortuinum Gratium Daventriensem, Coloniae Agrippinae bonas literas docentem, variis et locis et temporibus missae* (in Wolfg. Angst. Hagenau 1516). 4. The second: *Epist. Obsc. Vir. ad Mag. Ort. Grat. non illae quidem veteres et prius visae, sed et novae et illis prioribus elegantia, argutiis, lepore ac venustate longis superiores* (Basel by Froben. 1517). 4. The third book was added considerably later. The latest edition is by D. E. Münch, Leipzig, 1827, and, recognita et praefatione a Dno. H. W. Rotermundo aucta, Hannoverae, 1827. 8. These letters were addressed to Ortuinus, for he was considered the real author of Pfefferkorn's works. Even the partisans of ignorance conceded (ed. of Münch, s. 194): Pfefferkorn quidem composuit materiam, sed Mag. Ortuinus postea latinisavit. Erasmus and Reuchlin, though at first suspected, had no share at all in the authorship. The veil which is thrown over the origin of these letters will, perhaps, never be quite removed. The latest inquiries of importance upon the point are by Chr. Gottfr. Müller, Rector of the Fürstenschule at Misnia, in a *Latin Programme* of 1801; Mohnicke in *Ersch und Gruber's Encyclopädie*, Th. 4, s. 103,

dignation at the injuries which the Germans had to endure from Rome, went so far as to deride even the Papacy itself.<sup>33</sup> Soon after this controversy disappeared, like an insignificant skirmish, in the grand battle of the Lutheran Reformation,<sup>34</sup> in which most

in the article on *Wolfg. Angst*; and E. Münch, in the introduction to his edition, s. 28 ff. The chief authors were probably *Crotus Rubianus* and *Ulrich of Hutten*; but which of them conceived the first idea, whether or not it was probably due to the learned printer *Angst*, and whether *Hutten* contributed to the first part, on these points there is a diversity of opinion. Many of the humanists seem to have been employed at the *Ebernburg* upon the second part; see E. Münch's *Franz v. Sickingens Thaten*, Bd. 1, s. 348. How excellently the tone of the clergy of the day was imitated may be seen from *Erasmii Epist. ad Mart. Lipsium* dd. 5th September, 1528 (*Opp.* III. ii. p. 1110): *Ubi primum exissent Epistolae obscurorum Virorum, miro Monachorum applausu exceptae sunt apud Britannos a Franciscanis ac Dominicanis, qui sibi persuadebant, eas in Reuchlini contumeliam et Monachorum favorem serio proditas: quumque quidam egregie doctus, sed nasutissimus, fingeret se nonnihil offendi stylo, consolati sunt hominem. Ne spectaris, inquit, o bone, orationis cutem, sed sententiarum vim. Nec hodie deprehendissent, ni quidam addita epistola lectorem admonuisset, rem non esse seriam. Post in Brabantia Prior quidam Dominicanus et Magister noster, volens innotescere patribus, coëmit acervum eorum libellorum, ut dono mitteret Ordinis proceribus, nihil dubitans, quin in Ordinis honorem fuissent scriptae. Quis fungus possit esse stupidiior? At isti sunt, ut sibi videntur, Atlantes Ecclesiae nutantis, ex his designantur cognitores de dogmatibus ecclesiasticis, etc.* [Sir William Hamilton, in an able article in the *Edinburgh Review*, vol. liii., republished in his *Discussions*, pp. 202–238, contends for the combined claims of *Hutten*, *Crotus*, and *Buschius*.]

<sup>32</sup> With regard to him see *Meiner's Lebensbeschreibungen berühmter Männer aus den Zeiten der Wiederherstellung der Wissensch.* Bd. 3. *Ulrich von Hutten, nach s. Leben, s. Character u. s. Schriften* geschildert von C. J. Wagenseil, Nürnberg, 1823. 8.—*Ulrici ab Hutten Opera quae exstant omnia*, edited by E. J. H. Münch, 5 Theile. Berlin, 1821–25. 8.

<sup>33</sup> So especially the preface to his edition of *Laur. Valla, De falsa credita et ementita Constantini Donatione*, 1517 (in the *Fasciculus Rerum Expetend. et Fugiendarum*, ed. Brown, p. 128, in Münch's edition, Th. 2, s. 401 ff.). But, in fact, many of the satirical works which appeared anonymously in great numbers about this time belong to him: of those that were aimed against the Papal See probably, *Julius Exclusus*, dialogus (printed in Münch's edition of the *Epistolae Obscur. Virorum*, p. 417 ss.), *Oratio ad Christum pro Julio II.* (l. c. p. 458 ss.), *Philalethis Dialogus de Facultatibus Romanensium nuper publicatis* (l. c. p. 471 ss.). The *Pasquillorum Tomi duo*, *Eleutheropoli* (Basle), 1544. 8. are a collection of such satires, probably arranged by *Caelius Secundus Curio*. The second part consists entirely of satires by *Hutten* and *Crotus Rubianus*.

<sup>34</sup> See *Luther's letter to Reuchlin*, 14th December, 1518 (in *de Wette's* edition, Th. 1, s. 196 f.): *Dominus tecum, vir fortissime. Gratulor misericordiae Dei, quae in te est, vir et eruditissime et humanissime, qua tandem prevaluisti obstruere os loquentium iniqua. Fuisti tu sane organum consilii divini, sicut tibi ipsi incognitum, ita omnibus purae theologiae studiosis expectatissimum: adeo longe alia fiebant a Deo, et alia videbantur geri per vos. Eram ego unus eorum, qui tecum esse cupiebant, sed nulla dabatur occasio: eram tamen oratione et voto tibi semper praesentissimus. Sed quod tunc negatum est socio, nunc cumulatissime tributum est successori. Invadunt dentes istius Behemoth me, si quo modo sarcire queant ignominiam, quam retulerunt ex te. Occuro et ego ipsis longe quidem minoribus ingenii et eruditionis viribus, quam tu occurristi et prostravisti, sed non minore animi fiducia.—Fracta sunt in tua firmitate non parum quidem cornua horum taurorum. Hoc enim in te egit Dominus, ut tyrannus sophistarum aliquando et tardius et mitius disceret veris theologiae studiis resistere, ac respirare inciperet Germania, scripturarum doctrina tot heu annorum centenariis non tam oppres-*

of the humanists united with Luther. The Dominicans of Cologne were compelled by Francis of Sickingen, in 1519, to submit to the decision of Spire.<sup>35</sup>

It was an especial advantage to theology that a way was prepared by the humanists for the better understanding of the Holy Scriptures. Laurentius Valla commenced this work by his Annotations;<sup>36</sup> but Erasmus was the first to give more comprehensive assistance in the interpretation of the New Testament by his edition of the original Greek text, his notes, and his paraphrases.<sup>37</sup> Together with these, the works of Jacobus Faber Stapulensis,<sup>38</sup> and the Complutensian Polyglott,<sup>39</sup> deserve to be mentioned as important means of advancing the more profound study of holy writ.

Thus the most important means for effecting a reformation of the Church were matured by learned investigation. But from learning alone the reformation could never have originated. For scientific knowledge can never raise the popular mind to conviction of the truth, nor can the interest in such researches be vital and universal; whereas, nothing but conviction and enthusiasm

sa, quam extincta. Non erant haec initia danda pulcherrimorum studiorum per hominem parvae gratiae: sed sicut Christum (sit venia comparationi) omnium maximum montem Deus contrivit usque in pulverem mortis, verum ex hoc pulvere postea excreverunt tot magni montes: ita et tu parum attulisses fructus, nisi mortificatus in pulverem fuisses redactus, unde nunc tot surgunt proceres literarum sacrarum. Et exauditis est oratio gementis Ecclesiae: salvum me fac, Domine, quoniam defecit sanctus, diminuti sunt fideles de filiis hominum, quoniam exaltati fuerunt ad altitudines Dei vilissimi filiorum hominum.

<sup>35</sup> See Franz v. Sickingens Thaten, Plane, Freunde u. Ausgang. Durch G. Münch (3 Bde. Stuttgart u. Tübingen, 1827-29. 8.) Bd. 1. s. 122 ff., and 346 ff.

<sup>36</sup> With regard to these see Rich. Simon Hist. Crit. des principaux Commentateurs du Nouveau Test. chap. 34. Erasmus re-edited the work which was forgotten, Paris, 1505, fol.; in the dedication to the apostolic protonotary, Christopher Fisher, he defends this critico-grammatical way of treatment, and adopted it himself as his model in his own later works.

<sup>37</sup> Novum Testamentum juxta Graecorum lectionem cum versione Desiderii Erasmi Roterodami Basil. 1516, fol. ed. II. 1519, III. 1522, IV. 1527, V. 1535; Annotationes in N. T. Basil. 1516 (there were new editions, as well as of the New Testament); Paraphrases in Epistolas, edited singly after 1517, and collected with the Paraphr. in Ev. Matthaei ac Joannis, 1522. He left no paraphrases on the Gospels of Mark and Luke, the Acts of the Apostles, and the Apocalypse.

<sup>38</sup> Quincuplex Psalterium, Gallicum, Romanum, Hebraicum, Vetus, Conciliatum. Paris, 1509. Commentarius in Epistolas Pauli, 1512. Afterward he published a Comm. in Evangelia, Meldis, 1522; in Epistt. can. Basil. 1527, and after 1528 a translation of the Bible into French, which first appeared entire at Antwerp, in 1530 fol.

<sup>39</sup> Biblia Sacra, Vetus Testamentum Multiplici Lingua nunc primo impressum, T. I.—V: Novum Testamentum, Tom. VIus, Compluti, 1514-1517 fol., but it could not be published till 1523.

could burst the bands with which habit had chained men down to antiquity and tradition, or bestow the courage to risk all for the truth when once acknowledged. But when the reformation was commenced upon the only possible basis, that of the religious and moral convictions, which required no demonstrations but only illustration and application to the question at issue; then enlightened learning came as a guide, to protect it from error and superstition.

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## SIXTH CHAPTER.

### EXTENSION OF CHRISTENDOM.

#### § 155.

The degeneracy of Christianity was completed by the cruelty with which conversions to it were effected. Ferdinand and Isabella, in 1492, allowed the Jews in Spain only the choice between baptism and banishment.<sup>1</sup> A large number of those who remained steadfast to their faith found refuge in Portugal; but Emmanuel the Great, in 1496, imposed upon them the same choice; at the same time he took their children from them, and made slaves of all who delayed.<sup>2</sup> Granada, the last Moorish city in Spain, upon its surrender in the year 1492, had stipulated for the preservation of its ancestral laws and religion. But after the pretended discovery of secret conspiracies, the same cruel law was decreed against them also (1498), and in 1501 the remnant of the obstinate Mussulmans were obliged to leave the country or submit to slavery.<sup>3</sup> Thus the peninsula of the Pyrenees increased the ill-fated herds of the new Christians who were given over as a prey to the Inquisition. A no less revolting method of conver-

<sup>1</sup> Mariana Hist. Hispan. lib. xxvi. Jost Gesch. der Israeliten seit der Zeit der Maccabäer, Th. 7, s. 81 ff.

<sup>2</sup> Hieron. Osorius (Bishop of Silves in Algarve, † 1580), De Rebus Emanuelis R. Lusit. Colon. 1574. 8. lib. i. p. 6. Mariana, l. c. To the honor of Christendom both of these ecclesiastics lift their voices against this way of conversion. Jost, *ibid.* s. 89 ff.

<sup>3</sup> Petri Martyris Anglerii (an ecclesiastic at the court of Ferdinand the Catholic, † about 1525) Opus Epistolarum, Compluti. 1880, better edition, Amstelodami. 1670, Lib. V. Ep. 92. xiii. Ep. 215. Histoire du Cardinal Ximenes, par Esprit Flechier (seconde édit. à Paris, 1694. 12.), t. i. p. 136 ss.

of the humanists united with the pope in this century. logne were compelled by the decision of Spire

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*the Casas Brevisima Relacion de la Destruccion de las Indias, Latin at Oppenheim in 1614; Heidelberg, 1664. 4. In German: Beschreibung der Indianischen Landern, so vor diesem von den Spaniern zertrueten und verwüst worden, 1665. 4). William Robertson's History of America, vol. i. [Helps, Spanish Conquest in America, vol. i. Lond. and New York, 1816. Helps on Las Casas, in Zeitschrift f. d. Hist. Theol. Bd. iv.]*

## APPENDIX

### EFFORTS FOR UNION OF THE ORIENTAL CHURCHES WITH THE ROMAN.

#### § 156.

Deep-rooted as was the antipathy of the Greeks to the Latins,<sup>1</sup> yet the continual approach of destruction from the Turks compelled the Grecian Emperor, John VII., Palaeologus, from the year 1430, to try again every means of gaining assistance from the Latins by a union of the Churches. The controversy between the Pope and the synod of Basle delayed the arrangement. The Emperor at length threw himself into the arms of the Pope, and in 1438 came in person, with a great body of bishops, into Italy. At the synod, which was opened at Ferrara but removed to Florence in February, 1439,<sup>2</sup> for a long time all seemed likely to be lost in an endless controversy; but necessity made the Greeks yielding, and on the 6th July, 1439, they signed the form of union prescribed by the Pope.<sup>3</sup> On the other hand, they now

<sup>1</sup> Among the earlier opponents of the Latins (see above, § 129, note 6) was Simeon, archbishop of Thessalonica († 1430; with regard to him see Allatius de Simeonibus, lib. ii. c. 18, no. 13. Fabrici Bibl. Graeca, vol. x. p. 326 ss.), in his work *κατὰ αἰρέσεων, καὶ περὶ τῆς μόνης ὁρθῆς τῶν Χριστιανῶν ἡμῶν πίστewος, τῶντε ἱερῶν τελετῶν καὶ μυστηρίων τῆς ἐκκλησίας διάλογος* (printed at Jassy in Moldavia, 1688. fol. There is an abstract in Rich. Simon Critique de la Bibliothèque de Mr. Du-Pin, t. i. p. 403 ss.), the 19th chapter opens the case against the Latins.

<sup>2</sup> With regard to this Council see two collections of the acts, one in Greek and one in Latin; the latter, by Horace Justinian, is in the collection of Councils, in that of Labbeus et Cossart, t. xiii., of Harduin. t. viii. In the cause of the Greeks was written *Vera Historia Unionis non Verae inter Graecos et Latinos, sive Concilii Florentini exactissima narratio graece scripta per Sylvestrum Sguropulum* (a mistake for Syropulum) *magnum Ecclesiarcham, qui Concilio interfuit. Transtulit in sermonem latinum Rob. Creyghton. Hagae Com. 1660 fol.* Violent against author and editor, but not without many just remarks on single points, especially on the inaccuracy of the Latin translation, is Leonis Allatii in Rob. Creyghtoni Apparatum, Versionem et Notas ad Hist. Conc. Florentini, scriptam a Sylv. Syropulo Exercitationum Pars prior. Romae, 1665. 4. which was followed by no pars posterior.

<sup>3</sup> This Definitio, composed in Latin by Ambrosius Camaldulensis (see § 140, note 10), translated into Greek by Bessarion, that each text preserves the character of an original, was issued in the form of a Papal bull, and was subscribed by every member of the council; given in Greek and Latin, Conc. Labbei et Cossartii, xiii. p. 510 ss., in Latin only in the collection of Horace Justinian, *ibid.* p. 1165 ss.—*Graeci quidem asseruerunt, quod id, quod dicunt Spiritum Sanctum ex Patre procedere, non hac mente proferunt, ut excludant Filium, sed quia eis videbatur, ut ajunt, Latinos asserere, Spiritum Sanctum ex Patre et Filio procedere tamquam ex duobus principiis et duabus spiri-*

sion ensued upon those of the discovery of America with only sacrifices cruelty. de las V. to of th

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Spiritus Sanctus ex Patre procedat et Filio. *non dicere, Spiritum Sanctum ex Patre Filioque esse ac principium totius deitatis, Filii scilicet Spiritus Sanctus procedit ex Filio, Filius a Patre principia, seu duas spirationes: sed unum tantumque spirationem Spiritus Sancti, prout hactenus omnibus unus et idem eliciatur veritatis sensus, tandem in amabilem eodem sensu eademque mente unionem unan-*

... Patris, et Filii, et Spiritus Sancti, hoc sacro generali Concilio diffinimus, ut haec fidei veritas ab omnibus Christianis profiteantur, quod Spiritus Sanctus ex Patre et Filio essentialiter procedat, sicut et Patrem. Et quoniam omnia, quae Patris sunt, Patris ipsius Filio suo gignendo dedit, praeter esse Patrem, hoc ipsum quod Spiritus Sanctus procedit ex Filio, ipso Filio a Patre aeternaliter habet, a quo etiam aeternaliter clarandae gratia, et imminente tunc necessitate, licite ac rationabiliter symbolo fuisse appositam. Item, in azymo sive fermentato pane triticeo corpus Christi veraciter conficitur; sacerdotesque in altero ipsum Domini corpus conficere debere unumquemque scilicet juxta suae Ecclesiae, sive occidentalis, sive orientalis, consuetudinem. Item, si ver poenitentes in Dei caritate decesserint, antequam dignis poenitentiae fructibus de commissis satisfecerint et omnia, eorum animas poenis purgatorii post mortem purgari; et ut a poenis hujusmodi releventur, prodesse eis fidelium vivorum suffragia, missarum scilicet sacrificia, orationes, et eleemosynas, et alia pietatis officia, quae a fidelibus pro aliis fidelibus fieri consueverunt secundum Ecclesiae instituta: illorumque animas, qui post baptismum susceptum nullam omnino peccati maculam incurrerunt, illas etiam, quae post contractam peccati maculam vel in suis corporibus, vel eisdem exuta corporibus, prout superius dictum est, sunt purgatae, in caelum mox recipi, et intueri clare ipsam Deum trinum et unum, sicuti est, pro meritorum tamen diversitate alium alio perfectius: illorum autem animas, qui in actuali mortali peccato, vel solo originali decedunt, mox in infernum descendere, poenis tamen disparibus puniendas. Item diffinimus, sanctam Apostolicam sedem, et Romanum Pontificem in universum orbem tenere prematum, et ipsum Pontificem Romanum successorem esse b. Petri principis Apostolorum, et verum Christi vicarium, totiusque Ecclesiae caput et omnium Christianorum patrem ac doctorem existere; et ipsi in b. Petro nascendi, regendi ac gubernandi universalem Ecclesiam a Domino nostro Jesu Christo plenam potestatem traditam esse, quemadmodum et in gestis oecumenicorum Conciliorum et in sacris Canonibus continetur (*καθ' ἑν τῶν καὶ ἐν τοῖς πρακτικοῖς τῶν οἰκουμενικῶν συνόδων, καὶ ἐν τοῖς ἱεροῖς καὶ οὐκ ἐπιλαμβάνεται*). In Latin editions the passage reads, quemadmodum ~~est~~ in gestis, etc. as though this were only an allusion in confirmation: the genuine text, which Laus. Opp. V., 1, p. 308, gives from the Historiarum lib. III. Decad. X. of Flavius Blondus, secretary to Eugene IV., and from the Greek text, also refers to the rules for the Pope's supremacy). Renovantes insuper ordinem traditum in canonibus ceterorum venerabilium Patriarcharum, ut Patriarcha Constantinopolitanus secundus sit post sanctissimum Romanum Pontificem, tertius vero Alexandrinus, quartus autem Antiochenus, et quintus Hierosolymitanus, salvo videlicet privilegio omnibus et juribus eorum. The way in which the Emperor and his party regarded this union is manifested by the description which a Greek deacon of the court gave of it upon his return to the English ambassador who met him, Syropulus, p. 307: οὐτε ἡμεῖς προσήλθομεν τῇ δόξῃ τῶν Λατίνων, οὐδ' αὖ

Handwritten notes and scribbles on the left margin, including the number '15' and various illegible marks.

eral indignation caused many of the bishops to revoke their subscription. The great majority of the Greeks who were already living under the Turkish dominion, pronounced decisively against any Latinizing tendencies.<sup>4</sup> The ill-fated Emperor sought, as far as he could, to maintain the union inviolate, in the vain hope of thereby supporting his tottering throne. But it served rather to hasten than to ward off the impending destruction.

After the Act of Union with the Greeks there followed, at Flor-

Λατίνοι τῇ τῶν Γραικῶν. ἀλλ' ἐθεωρήθησαν καθ' ἑαυτὰς αἱ δόξαι παρ' ἑκατέρου μέρους καὶ εὐρέθησαν σύμφωνοι, καὶ ὡς μία καὶ ἡ αὐτὴ ἀνεφάνη δόξα. διὰ καὶ ἐτάχθη ἵνα κατέχη ἑκάτερον μέρος τὴν δόξαν, ἣν κατείχε μέχρι τοῦ νῦν, καὶ ὑπάρχουσαν καὶ ἡνωμένην. Thus all was to remain unchanged in the Greek Church and only the unity be recognized. Of the *Decretum unionis* there were five original copies prepared and signed: ten were afterward shown in different places, nine of which certainly were only copies; see Mémoire sur les Exemplaires Originaux du Décret d'Union de l'église Grecque avec l'église Latine, in the Mémoires de l'Académie des Inscriptions, t. 43, p. 287 ss.

\* When the Patriarch of Constantinople, Metrophanes, tried to introduce latinizing bishops even into Asia Minor, the then patriarchs of Alexandria, Antioch, and Jerusalem issued a synodal letter in 1443 (in Allatius De Ecclesiae Occid. et Orient. Perpetua Consensione, p. 939 ss.), in which they express themselves most strongly against the συναθροισθεῖσαν ἐν Φλωρεντία μαρὰν σύνοδον, and against Μητρόφονος (instead of Μητροφάνης) Πατριάρχης, in favor of the deposition of all the latinizing clergy, and threatening them with excommunication in case of resistance, and also commissioning the Metropolitan of Caesarea in Cappadocia, as ἑξαρχὸν πάσης ἀνατολῆς, to execute this decree in his diocese. At the same time they addressed a deprecatory letter to the Emperor, l. c. p. 942 ss., in which they said of the Florentine synod, ὅτι ἐν Φλωρεντία σύνοδος οὐκ ἐγένετο κατὰ τὰς συμβηθῆσεις, ἅς εἶχον πρὸς Ῥωμαίους (i. e. the Greeks) οἱ Λατίνοι ἐνόρκως διὰ γραμμῶν, κανονικῶς καὶ ἀβίαστος καὶ ἐλευθέρως—ἀλλὰ ραδιουργίας μυρίας ἐπινοήσαντες οἱ Ἴταλοὶ τὰς μὲν συμβηθῆσεις ἠθέτησαν, ἐπαρέβησαν δὲ τοὺς ἐγγράφους αὐτῶν ὅρκους, ἐβίασαν δὲ τὴν ἀλήθειαν, καὶ τέλος τυραννικῶς τρόπῳ τὰ ἀθέσματα αὐτῶν πάλιν ἐκίρωσαν δόγματα, καὶ εἶτι ἄν ἄλλο παρὰ κανόνας ἐκρίτησαν. τὸ χεῖρον δὲ μᾶλλον καὶ ἄσεβδες, ὅτι μετὰ τῶν ἄλλων καὶ τὴν ἐν τῷ κοινῷ τῆς πίστεως συμβόλῳ προσθήκην οὐ παραιτήσαντο, ἀλλὰ καὶ ἐγγράφως παρέδωκαν, φεῖ, παρὰ πᾶσιν ὁμολογεῖσθαι. Then they protested to the Emperor; πρὸς τὴν σὴν βασιλείαν γνωρίζομεν τούδε ὅτι εἰ μὲν προσέδραμεν, ὡς τοῦ ἡμετέρου γένους παντελῶς ἐξησθενηκότος, καὶ διὰ τοῦτο καταναγκαζόμενος παντοιοτρόπως, ὅπως λήψῃ βοήθειαν, καὶ τινα ἰσὴν ἄλλην οἰκονομίαν νενόηκας, εἶτε τῆς καὶ πρὸς τὰ τῶν Λατίνων ἐπέπεσας, καὶ τὴν προσθήκην ἐδέξῃ κατὰ ἀνάγκην· εἴθ' οὕτως ἀποτρεψόμενος νῦν τὰ ἐκείνων τερατολογημάτων τε καὶ ἄσεβηματα, καὶ τὴν ὑγιαίνουσαν ἐν τῷ θεῷ συμβόλῳ παράδοσιν κατὰ τὰς θείας πάσας γραφὰς ὁμολογεῖς ἀδιστάκτως τε στέργεις, καὶ πείθῃ, ὡς οἱ πρὸ σοῦ ἅπαντες εὐσεβεῖς αὐτοκράτορες βασιλεῖς, ἦδη καὶ ἡμεῖς οὐ μόνον τὸ προσφιλὲς μνημόσυνον τῆς βασιλείας ἐπιτελεῖν ἔχομεν, ἀλλὰ καὶ διηνεκῆ καὶ ἀέναον ἰκεσίαν πρὸς θεὸν ἐκπληροῦν μέλλομεν τοῦ σοῦ κράτους ἔνεκα, καὶ ὑπὲρ ψυχῆς μάλιστα, δι' ὧν ἐξιλεσόμενοι καθ' ἐκάστην τὸ θεῖον συγκοινωνῶσαι τέ σοι, καὶ τὰ ἀμπλακήματα ἐν γνώσει καὶ ἀγνοίᾳ πραχθέντα. Οὕτω μὲν οὖν ἔσται σοὶ ἔλεος τῶν πλημμελημάτων, οὕτως δὲ ἄφεσις τῶν ἀγνοημάτων, εἰ μὲν τὰς θείας οὐκ ἀθετεῖς παραδόσεις· εἰ δὲ περιμένεις, καὶ ἀνέχῃ τὰ τῶν ἑτεροδόξων, ὡς περ ἄλλότρια ἔντα πάσης κανονικῆς παραδόσεως καὶ συνοδικῆς, οὐ μόνον ἐκκόψομεν τὸ τοῦ σοῦ κράτους μνημόσυνον, ἀλλὰ τὸ τοῦ βίους προσθήσομεν ἐπιτίμια, ἵνα μὴ τῇ τοῦ Χριστοῦ ἐκκλησίᾳ διαφέρῃ ἡ λύμη τοῦ ἄλλοτρίου καὶ βλαβεροῦ δόγματος.—Ἄν δὲ τῷ τυραννικῷ τρόπῳ παρανόμως βιάσῃ καὶ πειθανολογεῖς τὴν Ἐλευθερον καὶ ἀδούλωτον Χριστοῦ ἐκκλησίαν, γίνωσκε ὅτι, ὅτι—οὐκ ἀνεξόμωστα σιωπᾶν ἐφεξῆς, ἀλλὰ κατὰ τὴν ἐντολὴν ἀφόβως ἐλέγξαι καὶ ἐπιτιμῆσαι μελλομεν τούτων.



ence, the empty show of a renewed union with the Armenians (1440), the inefficacy of which it was easy to foresee.<sup>5</sup> Then appeared at the council, which in 1442 was removed to the Lateran, a succession of ambassadors from all the other Oriental churches, in order to obtain reconciliation with the Church of Rome by papal decrees.<sup>6</sup> This frivolous scene was evidently intended to win back the public opinion of the Western world in favor of the Pope, by making it seem as if there was a general union of all Christendom under the papal obedience, and thus to overawe and bring to submission the steadfast adherents of the Council of Basle.

<sup>5</sup> Compare above, § 181. The acts are in Labbei et Cossart Conc. xiii. p. 1197 ss.

<sup>6</sup> First came *Decretum pro Jacobinis*, dd. Florent., 4th February, 1441, l. c. p. 1204 ss. defining the union of the Egyptian Jacobites, which, however, Renaudot *Hist. Patriarcharum Alexandrinorum Jacobitarum*, p. 611, has not ventured to mention. *Decretum pro Syris*, dd. Laterani, 30th September, 1444, l. c. p. 1222 ss. *Decretum pro Chaldaeis et Maronitis*, dd. 3d August, 1445, l. c. p. 1225 ss.

## A D D E N D A.

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### TRANSLATION OF QUOTATIONS FROM EARLY GERMAN AUTHORS IN THE NOTES.

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SEC. 137.—NOTE 1, PAGE 338, 339.

#### *Decree of William III., Duke of Saxony.*

Also, to this day many foreign tribunals are resorted to by the inhabitants of our land, which is a dishonor, great loss, and notable injury to this country. Henceforth take notice, we have decreed and determined, that hereafter no inhabitant of our country, dominion, and territory, shall summon or sue another before any foreign tribunal, ecclesiastical or secular, in any cause, whatsoever it may be. If the case be ecclesiastical and belongs justly to an ecclesiastical tribunal, the plaintiff shall bring it before an ecclesiastical tribunal in our country, where it belongs, and rest satisfied with the decision there given. The case also when taken in hand shall be carried through, and there shall be no appeal to a foreign court. But if the case be secular, it shall be brought and pleaded before the secular tribunals and courts, where the defendant is settled, and to which the case belongs. Before the same court the plaintiff shall pursue his pleading, as is fitting, to the end, and rest satisfied with the decision, and appeal to no foreign court. But if any inhabitant, whosoever he be, of our land, dominion, and territory, does not rest satisfied with the decision of his case before the ecclesiastical or secular tribunal of our land, in which it has been heard, but shall appeal therefrom, or otherwise plead before a foreign court and not our own; from that hour he shall be held as an outlaw, and shall never enter our country again, but be banished for life, and any one may maintain claims upon him and his property without hindrance, as an outlaw from us and our country. Also if he send messengers, with letters or otherwise, no one shall receive his letters or take any notice of them, and proceedings shall be taken against the

messenger as against the outlaw himself without mercy. Also, since we and our subjects for many years to this day, have been inconvenienced in many ways, and troubled beyond measure by the ecclesiastical judges in many cases, which they will take under their own jurisdiction, refusing none, either spiritual or temporal, in which the aforesaid judges too often regard neither God nor justice; hence, as might be expected, in course of time, unbelief is greatly increased among the people, and thereby neglect and dishonor has accrued to God and the holy Church; accordingly it is to the glory of God, and the honor of His holy Church to counteract so great an evil: so we will do our diligence with princes and prelates who hold jurisdiction in our lands and dominions, to charge and entreat them to reform their ecclesiastical courts, and neither to commence nor try any action before them, which is not ecclesiastical: and if a case be secular to have nothing to do with it. Also we ought and do strictly charge and command all persons in our lands, lordship, and dominion, that no man, whosoever he may be, shall summon, sue, or denounce another on a secular charge, before an ecclesiastical court. But whosoever does not observe this charge, and summons another man before the ecclesiastical courts in a secular cause, and disobeys this our ordinance, shall entirely lose the cause, for which he pleaded, for his disobedience, and besides shall pay a fresh tax by way of penance to the lord under whom he lives. So also orders shall be given to all parochial clergy, that they neither receive nor publish any paper from the ecclesiastical judges on secular matters; but if any parish priest refuse to obey, none of the profits nor revenue of his parish shall accrue to him, till such time as he return to obedience.

SEC. 139.—NOTE 16, PAGE 352.

*Reformation of Frederick III.*

It is clear as day that with fair and crafty words the clergy have deprived us of our rightful patrimony: they blinded the eyes of our forefathers, and persuaded them to purchase the kingdom of heaven with their ancestral estates. If ye priests give to the poor and the chosen children of God their paternal inheritance, which ye owe them in the sight of God, so might God perhaps grant you such grace that you would know yourselves. But so long as ye bestow it upon your beloved harlots and profligates, instead of upon the children of God as ye are bound to do, be ye sure of this, God will reward you according to your merits; for ye have exasperated and overburdened the whole community in

the Empire. The time is at hand when your possessions will be seized upon and divided, as the possessions of an enemy. As ye have oppressed the community, it shall rise up against you; so that ye shall not know where to find an abiding place.

SEC. 147.—NOTE 17, PAGE 398.

*Statement of a Dominican Nun at Kircheim in Swabia.*

There came a legate from Rome into this land (in the year 1489) with such ample grace and indulgence, that the like was never heard of before. Then our mother prioress bought the indulgence for us all in common; and five briefs of indulgence were granted to us, which were kept; they cost me ten florins, but we gave it willingly for the praise of God, and that we might help the souls in purgatory. The indulgence was from our dear Lady's day of nativity till Michaelmas; so long we kept the jubilee year, and every sister during this time might release as many souls as she would or could; at every journey to Rome one soul might be released; also if she went round the seven churches, and at every church said a whole vigil, for each vigil in each church she released one soul; this she might do as often as she wished, and for as many souls as she wished; and if she performed the procession and the prayer, she might rest sure in Christian faith, that the soul was released from purgatory, though it had not departed this life in the grace of God. Accordingly, our father instructor, our confessor, taught us, that a sister who would rescue seven souls, when she began to go to the seven churches should bear in mind some other souls, that if the one either did not require or were incapable of profiting by her prayer, she might have the others in remembrance. Thus she should ever act, and though a sister might take what souls she pleased, still her father and mother stood first in the Bull, and next her nearest friends, and those for whom we are bound to pray for our Order's sake, the founders and benefactors of the Order, many of whom were delivered. For a portion of the money which we gave from the community was applied in general for the souls of those who had benefited it. Some sisters delivered two hundred souls, some one hundred, some fifty, and afterward might deliver more. Also, we prayed much for ourselves, as our father confessor directed, that we might receive the plenary absolution for all our sins and corruptions; whatever they might be, he could remove them from us this time, etc.

## SEC. 147.—NOTE 25, PAGE 402.

*Account of Tetzels proceedings by Frederick Myconius.*

He gained by his preaching in Germany an immense sum of money, all of which he sent to Rome; and especially at the new mining works at St. Annaberg, where I, Frederick Mecum, heard him for two years, a large sum was collected. It is incredible what this ignorant and impudent monk gave out. He said that if a Christian had slept with his dear mother, and only placed a sum of money in the Pope's indulgence chest, the Pope had power in heaven and earth to forgive the sin, and if he forgave it, God must do so also. Item—if they contributed readily, and bought grace and indulgence, all the hills of St. Annaberg would become pure massive silver. Item—so soon as the coin rang in the chest, the soul for whom the money was paid, would go straightway to heaven.—The indulgence was so highly prized, that when the commissary entered a city, the Bull was borne on a satin or gold-embroidered cushion, and all the priests and monks, the town council, schoolmaster, scholars, men, women, maidens, and children, went out to meet it with banners and tapers, with songs and procession. Then all the bells were rung, all the organs played; he was conducted into the Church, a red cross was erected in the midst of the Church, and the Pope's banner displayed; in short, God himself could not have been welcomed and entertained with greater honor.

It is incredible what this ignorant monk gave out in speaking and preaching. He gave sealed letters stating that even the sins which a man might wish to do hereafter were forgiven. The Pope had more power than all the apostles, all the angels and saints, even than the Virgin Mary herself. For these were all subject to Christ, but the Pope was equal to Christ. After his ascension into heaven, Christ had nothing more to do with the government of the Church till the last day, but had intrusted all to the Pope as His vicar and vicegerent.

*Preface to the Sermons of George Anhalt.*

Tetzels sub-commissary, also a preaching-friar, Bartholomew by name (as I have heard myself with my own ears during my youth at Dessau), dared to say without shame, that he had seen with his own eyes the blood of Christ flow gently down from the holy red cross of indulgence, on which the Pope's banner hung, and that so great grace had not been granted since the time of

Christ's passion. He also said that the cross worked miracles, and he excommunicated every man who gainsaid this.

SEC. 152.—NOTE 8, PAGE 446.

*Letter of the men of Breslau to the Pope's Legate in 1459.*

Let his Holiness look well to it, that he be not betrayed, as will undoubtedly happen, by the King's oath and vow. His Holiness has accepted his vow to renounce and exterminate heresy; but as, on the other hand, he has sworn to his sects that he will protect them, and maintain and increase their party, must he not perjure himself with one side or the other? As the base arch-heretic Rokyczana is still free, and has greater power than ever, he now compels the people to receive the sacrament in both kinds; whosoever will not do so, is punished, imprisoned, etc., s. 132: And those who receive in one kind only, are reproached and reviled by him as heretics, and when they die they are buried with the malefactors in unconsecrated ground.

*The Legate's Answer.*

The king has not sworn to promote heresy, but he has only given his simple word that he will tolerate its usages; this is not only no sin, but is wisely done. Ye know well, whether there are many heretics in Bohemia, whether they are powerful, whether they can be expelled peaceably and without bloodshed. So if ye would speak the truth, ye would advise in your own wisdom, that they should not be treated with rigor, but with gentleness, nor be converted in the mass, but gradually as may be expedient. And if the king in his toleration and forbearance entertains affection for any of them, it is not for his heresy's sake, but because he is his friend or servant; ought he therefore to be called a heretic or a friend of heretics? This be far from your thoughts; since Jesus ate and drank with open sinners, not that he loved sinners as such, but men and the souls of men. S. 142: Also as there are many heretics in Bohemia, ye shall not separate yourselves from them, but endure and tolerate them, as St. Augustin saith. Thou good man bear with the wicked, because Christ bore with Judas, etc.

SEC. 152.—NOTE 15, PAGE 448.

When this appeal (see note 14) was published through the whole kingdom, and in many parts of Germany by George, it was

rather approved than censured. The Pope's efforts met with no praise, no thanks, no assent. But all that George undertook or sanctioned was praised and approved by every one. S. 17. The Dukes of Misnia and Brandenburg with their bishops sympathized with this cause, and did not approve the Pope's proceedings. In their lands and states, curses and reproaches against the Pope were heard, for that the Pope would rouse the Bohemians to war, when they wished to live in peace, whereas in former times, when all Christendom was against them, their warlike armies had been continually victorious, and destroyed countries and their inhabitants. Accordingly these states had inquired of the doctors in the universities of Leipsic and Erfurt, whether it were right to wage war with the Bohemians who would gladly live in peace, whether peace might be made with heretics, whether they ought to be murdered, and brought by force to the true faith. There was at this time an especially great teacher of the order of the Carthusians at Frankfort on the Oder, held in high esteem for his learning and sanctity by all men, he wrote much on the subject. Moreover, in the universities abovementioned there was much discussion and writing among the masters on this question. The conclusion of all was, that the Pope's holiness ought not to deal so harshly with the Bohemian people, if they were willing to abide in peace; but mildly and with paternal desire and instruction to appoint conferences for them, as George desired, and send legates.

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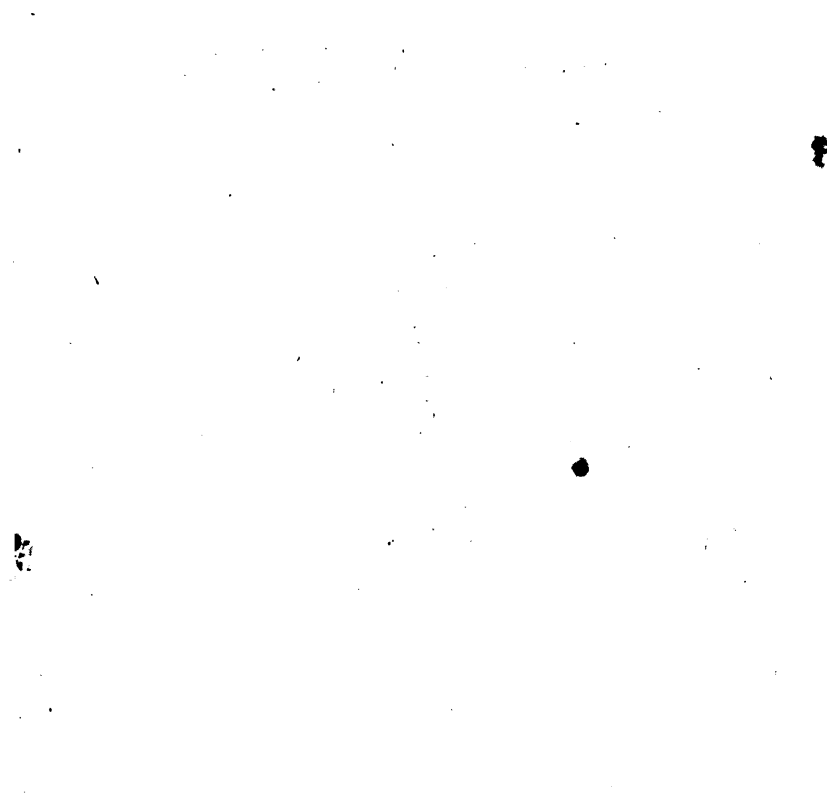


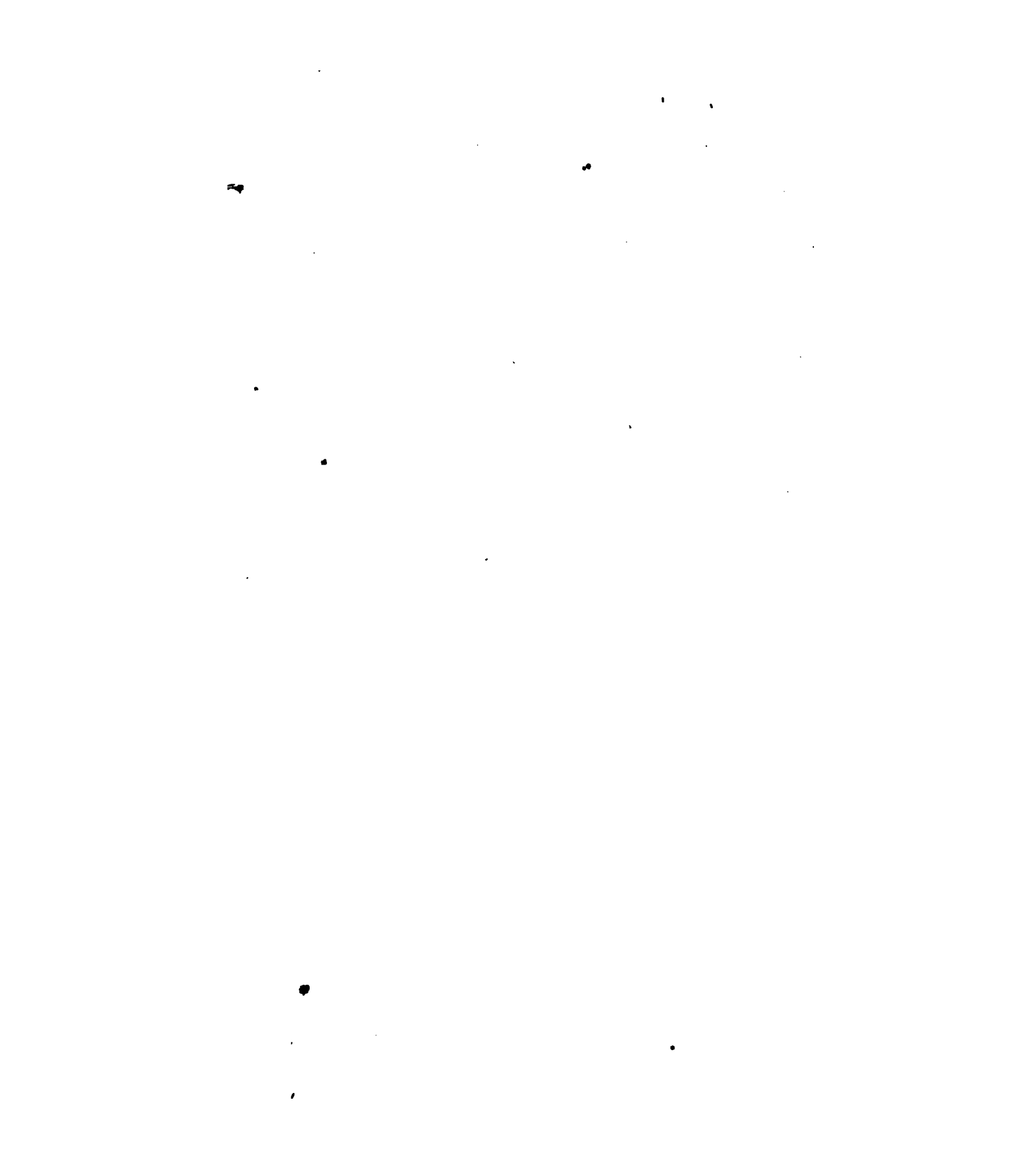
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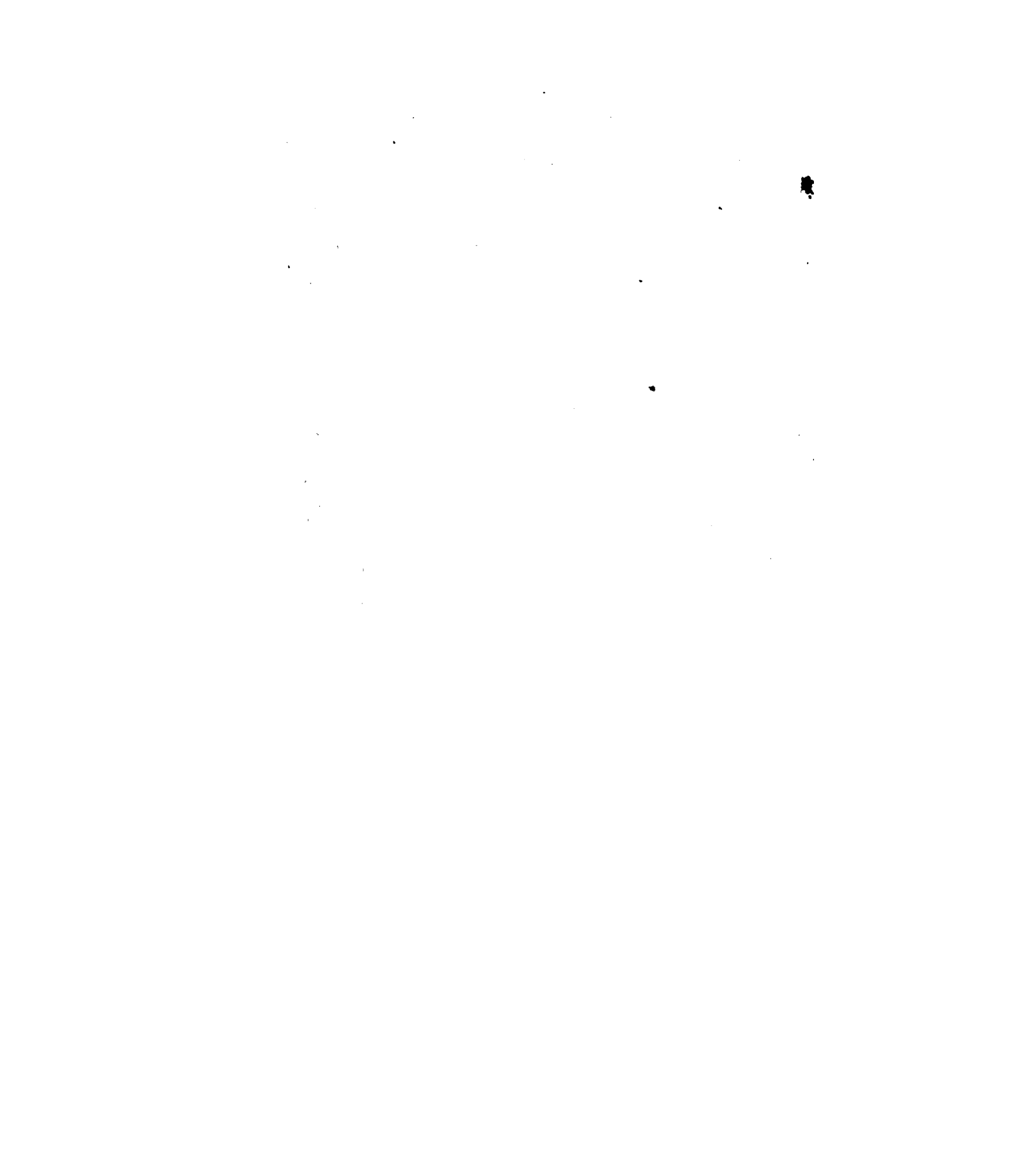
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